

GOVERNMENT IN ILLINOIS

By

WALTER F. DODD

of the Chicago Bar

AND

SUE HUTCHISON DODD



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TO MOTHER
LAURA ALICE DODD

PREFACE

This book presents a picture of government as it operates in Illinois. Its chapters present the information which every voter and prospective voter should have regarding the activities of national, state, and local government in the state of Illinois. These various governments are treated as parts of a single organization for the performance of governmental business. Their relationships, or lack of relationship, are pointed out, and the relationship of the citizen to each part of our complex governmental machinery is emphasized. Illustrative charts picture the organization of all parts of state and local government.

Government is a practical institution, and the authors have discussed it as such. Emphasis is placed on the activities of government, and the citizen's share in them. How to mark the ballot, how laws are made and enforced, how government raises and spends its money, how the schools are managed, are some of the many problems dealt with in this volume. The earlier chapters are planned to give a general view of governmental affairs in Illinois, and form a background for what follows. The purpose of chapters i, ii, and iii is to answer the three following questions: (1) What type of thing are we dealing with? (2) What governments concern each of us in his local community? (3) How has government in Illinois come to be what it now is? With this preliminary information applied to the individual and his local community, the reader is ready for detailed study.

This book is based upon the assumption that its chapters will guide in an understanding of how governments are organized and what they do. Our interest in government must necessarily center primarily around the things that government does for us and that we do for it. For this reason, each of us should find out the manner in which government affects his daily conduct.

A large part of the purpose of this volume will be accomplished if it stimulates its readers to make the necessary efforts to know their own particular governments and what they do. The study questions at the end of each chapter constitute an important part of the book, and are designed to aid in individual and group study. Where a study-group uses this book, the study questions should be distributed and reports upon these questions should be presented after the chapter is discussed. In this way, the study of government becomes a series of independent investigations by the members of the group.

The authors take pride in the accomplishments of Illinois and of its government. Illinois has, in some respects, taken the lead among the states in adapting its governmental organization to new needs. But much remains to be done. Government, like other human institutions, must continue to improve, and must change to meet new conditions. This book, therefore, discusses fully the need of simplifying our complex governmental machinery so that it may perform more effectively its ever growing tasks.

In the preparation of this book the authors have received aid from many friends. Professor John A. Fairlie

of the University of Illinois and Professor George H. Gaston of the Chicago Normal College read the entire manuscript and made many helpful suggestions. Honorable Francis G. Blair, state superintendent of public instruction, read the original manuscript of chapter xiii, and aided materially in improving its final form. Mr. Robert C. Moore, secretary of the Illinois State Teachers' Association, made helpful criticisms of chapters vi, vii, and xiii. Mrs. Henry W. Cheney read the manuscript in its first draft. The authors acknowledge the assistance of Mrs. Joseph T. Bowen, Mrs. William S. Hefferan, and Miss Julia Lathrop, all of whom have been kind enough to read portions of the book in galley proof.

For the loan of plates of certain maps, the authors desire to express their appreciation to Mr. H. L. Williamson, state superintendent of printing. They also desire to acknowledge the use of two maps from the *Blue Book* of the state of Illinois, edited by Honorable Louis L. Emmerson, secretary of state. For assistance in procuring pictures they desire to thank Mrs. Jessie Palmer Weber, librarian of the Illinois State Historical Library, Miss Elizabeth R. Daly, principal of the Bateman School of Chicago, the Chicago Historical Society, and Dr. R. E. Hieronymous, community adviser, University of Illinois. In this connection they desire to thank also Holabird and Roche, architects, and Honorable Robert M. Sweitzer, county clerk of Cook County.

Mr. Clark C. Steinbeck, formerly of the Chicago Bureau of Public Efficiency, aided in the preparation of charts, and Miss Lydia E. Whitted assisted in the proof-reading. For numerous courtesies the authors are indebted to Mrs. Maud R. Turlay, business secretary

of the Woman's City Club of Chicago, and to other officers of various civic organizations.

In their practical experience with governmental affairs in Illinois, the authors have received assistance from numerous public officials, both state and local. It is out of the question to mention all of these officials by name, but they desire to acknowledge the courteous co-operation of public officials over a period of years, not only in the furnishing of reports and information, but also in movements to improve governmental conditions

WALTER F. DODD

SUE HUTCHISON DODD

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MATERIALS FOR THE STUDY OF GOVERNMENT IN ILLINOIS

Notes to the chapters of this book indicate reports and books of value for the study of government in Illinois, and should be referred to for detailed references. Reports printed by the state and local governments are perhaps the most important single aid. The secretary of state, Springfield, is the official distributor of state documents. Write to him for a printed list. Every school should obtain through the secretary of state copies of the state constitution, the *Illinois Blue Book*, and the annual *Report of the Directors* under the Civil Administrative Code. Every school should also obtain several copies of the rejected constitution of 1922. Other state reports will also be useful. It should be possible without difficulty to discover what reports are published by local governing bodies.

Acts of the Illinois General Assembly organize the state and local governments in detail, subject to the provisions of the state constitution. Several private publishers issue editions of all laws in force. There has been no official revision of the Illinois statutes since 1874. After the end of each biennial session of the General Assembly, the secretary of state issues a volume of laws passed to that session. He also issues, for separate distribution, the text of important laws. It is possible in this way to obtain separate copies of the commission-government law, corporation law, election laws, and laws dealing with many other matters.

During the legislative session, the Legislative Reference Bureau, Springfield, issues a weekly *Legislative Digest*. By writing to the clerk of the House of Representatives, or to the secretary of the Senate, it is possible to obtain a *Handbook of the Illinois Legislature*, and also copies of bills and of House and Senate calendars.

The *Report of the Illinois Efficiency and Economy Committees*, published by the state in 1915, is now very much out of date, but is still an invaluable aid to the study of the state executive department. A detailed analysis of the problems of state and local government in Illinois will be found in *Constitutional Convention Bulletins*, issued by the Legislative Reference Bureau in 1919.

Substantially all reports and publications of the state and local governments may be obtained without cost.

Several books deal with the government of Illinois, of which the most important are: H. P. Judson, *Government of Illinois*, 1901; E. B. Greene, *Government of Illinois*, 1904; Mary L. Childs, *Actual Government in Illinois*, 1913; the *Illinois Voters' Handbook*, issued by the Woman's City Club of Chicago in 1920; John M. Mathews, *The Centennial History of Illinois*, Vol. V, 1920 (a series of chapters on government).

Several special studies are of value. The most important of these are: N. H. Debel, *The Veto Power of the Governor of Illinois*; and Blaine F. Moore, *The History of Cumulative Voting and Minority Representation, 1870-1919*. Both of these studies appear in the "University of Illinois Studies in the Social Sciences."

In the study of government in Illinois, it will also be well to have some books dealing with governmental

problems in the nation and in other states. James W. Garner's *Government in the United States* (new edition, 1921) covers the whole field in an elementary way. Of less elementary textbooks on American government, the best are: Charles A. Beard, *American Government and Politics* (third edition, 1920); and W. B. Munro, *Government of the United States*. A full analysis of state governmental problems will be found in *State Government*, by Walter F. Dodd, published by the Century Company, 1922.

CHAPTER I

WHAT IS GOVERNMENT?

GOVERNMENT INCLUDES EVERYONE

Before we seek to picture government in Illinois, let us consider what is government and what government does. In general, we may think of government as an organization for the doing of certain things for the people over whom it exercises authority. It is the one organization which includes and controls everyone within the territory that it covers. As the only such organization, government must necessarily act with reference to the needs of all the people. It must do those things that can best be done by an organization acting for the whole body of people. Within certain limits of conduct, some social and religious organizations control their members just as effectively as does government. But these bodies do not include everyone within a particular geographic area, nor do they act with reference to the interests of all such people. Acts with reference to all

As the only body that includes all and that acts with reference to all, government must perform various tasks. Adapts work to needs of people These tasks necessarily vary according to the changing and growing needs of society. Under primitive conditions government did little. In an agricultural period with little means of communication and little industrial development, government did not need to do a great deal. When we have a complicated industrial civilization, with great congested populations, with power-driven

machinery operated upon a large scale, and with rapid means of transportation and communication, government must necessarily undertake a larger number of activities. A larger number of things must be done for the protection of the whole body of people. Not only will the things done by government vary with differences in industrial development, but, within the same state, government must do many more things in a large city than it will need do in a rural community. It will therefore be found that government is more complex in the larger cities of Illinois, and less complex in the smaller cities and villages and in the country. Hence, the problems of government within Illinois vary, according as one is studying them in a larger or in a smaller community.

In the things it does and in the laws it makes, government reflects the various activities and interests of the people whom it controls. With a small and scattered population Illinois had little need in its earlier days for a large body of legislation. With the growth of population and the increase of the activities of its people, new and complex problems have presented themselves. Because of these new problems, we find a greater and greater amount of legislation dealing with agricultural and industrial matters. As large cities have grown up, with a high industrial development, there has naturally come a greater degree of governmental supervision over industrial activities in the interest of the people as a whole. This growth in state activity may be roughly indicated by the fact that the statutes of the state in 1833 were contained in a small volume of 700 pages, while the state statutes now in force require a larger volume, containing more than six times as many words.

The people of Illinois are engaged in numerous activities and industries. A large part of the area of the state is agricultural. In order to meet the growing needs of agriculture, the state has enacted and administers a great many laws with respect to the breeding of animals, dairy products, purity of seeds, etc. Illinois ranks high in the production of coal. To protect those engaged in mining, the state has enacted elaborate legislation for safety in mines, and has set up machinery for the inspection of mines in order to enforce these rules. Large portions of the state are industrial in character. In order to meet the needs of its industrial population, the state has enacted legislation regarding safety and health in factories, and has provided a department of labor for the enforcement of these regulations.

Parallels industrial growth

Until 1911 the relationships between employer and employee in Illinois were settled in the case of an accident by judicial contest in each particular case, unless the employer and employee voluntarily agreed to a settlement. If an employee in a factory were injured, he sued his employer and bore the expense of contesting with the employer the question as to whether the employer was liable for the injury, and as to how much the employer should pay him if the employer were finally held liable. Since 1911 legislation has been enacted placing a definite liability upon the employer for injuries to his employees. Both employer and employee now agree that this legislation is more satisfactory than was the previous arrangement. Here legislation was directly occasioned by the industrial needs of the community.

Workmen's compensation

Government is a human agency for the purpose of meeting the needs, encouraging the ideals, and promoting

Purpose of government

the development of the people over whom it operates. In earlier and simpler days the chief thing for government to do was to maintain order and punish crime. Now government must be responsible for an elaborate educational system, for the protection of the health of those under its authority, for the care of the dependent classes who cannot care for themselves, and for the safeguarding of various and complex interests of the different groups in the community.

Must meet new
conditions

In its organization government must change to meet new conditions just as it must change in the scope of its activities. Before the development of railroads and of a high industrial civilization, there was no need for a large and complex organization. With this development new departments and offices of the state government have been created. In 1870, and even later, the affairs of the state were practically managed by the governor and the six other elective state officers, with the aid of a few clerks. Now the state has about 10,000 officers and employees with an annual pay-roll of about \$14,000,000.

GOVERNMENT ACTS BY LAW

Nature of law

Another distinct feature of government is that it acts by law. Substantially all governmental policies are found embodied in law. Law has back of it the possibility of enforcement by government. For the violation of law, government may cause the individual to suffer some unpleasant consequences. For example, it is unlawful to assault and injure another, and anyone assaulting and injuring another is subject to a possible criminal punishment, and also to the possibility of having damages recovered from him by the injured party in a

civil suit. To take another illustration, gambling is punishable as a criminal offense, and gambling contracts are made unenforceable in the courts. Both the winner and the loser in gambling are subject to a threat of criminal punishment, and the winner is denied the use of the courts to collect anything which he may have won. Another interesting case in point has to do with child labor. The state of Illinois has provided that it shall be unlawful to employ children under a certain age. An employer who violates the Child Labor Law is not only liable to criminal penalties for such violation but is also liable in the courts for any injury occurring to a child as a result of such unlawful employment. Here government imposes through law a double liability—criminal punishment and the liability to damages for the injury which has occurred.

Because law is enforceable by governmental authority, it should not be assumed that we normally obey law merely because of fear of punishment. In most cases, the law is in accord with the moral and social standards of those whom it controls. Under such conditions most people obey the laws without being conscious of their existence. In some cases, however, obedience to the law involves conscious effort. Government could not enforce law if it had to exercise compulsion against every citizen. In each community there are some persons against whom the power of government must be employed to obtain obedience. The larger this group with respect to any particular law or laws the more difficult is the task of enforcement.

The term "law" as here used means any general regulation issued by a governmental body. The national

Observance of
law

Federal and state
law

government acts through laws passed by Congress, through treaties made by the president with the concurrence of two-thirds of the members of the Senate, and through ordinances and regulations issued by the national government under express authority from Congress. All of these rules adopted under powers conferred by the Constitution of the United States make up the body of what may be termed "federal law." State law consists not only of the laws enacted by the two houses of the General Assembly but of rules and regulations issued under the authority of state laws. There is also a vast body of rules of common law developed by the courts through a period of centuries, and to be found in the decisions of the courts, rather than in legislative acts. So far as the state of Illinois is concerned, its law upon a particular subject will usually be found, in part, in legislative acts and, in part, in the decisions of its courts.

Various types
of law

Under state authority cities, villages, and other local governing bodies are given power to adopt local rules to meet their particular needs. These rules form a part of the law for the respective local areas. Over a large part of the territory of Illinois, local governing areas lie, one on top of another, in complex and confusing disorder. The presence of numerous governing bodies, with overlapping boundaries and with each substantially independent of all the others, makes it difficult to know all the laws under which we live. The city of Chicago offers a striking example of the numerous types of law operating over one community. A listing of the laws over Chicago is as follows: (1) the Constitution of the United States; (2) acts of Congress, treaties, and depart-

mental regulations^{*} issued to carry out federal laws and treaties; (3) the state constitution; (4) state statutes, and regulations issued by the departments of the state government under the authority of state statutes; (5) regulations of the Cook County government; (6) regulations of the Forest Preserve District; (7) regulations of the Sanitary District; (8) city ordinances; (9) regulations of park boards; (10) regulations of other governing bodies, such as the Board of Education, the Library Board, and the Board of Directors of the Municipal Tuberculosis Sanitarium.

These types of law vary in importance. The constitutions of the United States and of Illinois are relatively brief documents determining the organization and authority of the governments organized within their territory. Federal and state laws and the city ordinances constitute the great bulk of law governing the people of Chicago. Within the limits of the national Constitution, federal law is superior to state law; and, similarly, state law enacted within the limits of the state constitution is superior to city ordinances and to other types of local regulations. The city government is granted, by state law, power to adopt ordinances as to a great number of matters of local importance. A great mass of city ordinances is made necessary by the fact that people live closely together in a compactly settled area. For example, the building regulations of Chicago alone require several hundred pages of print. The

Relative importance of types of law

* For example, an act of Congress determines the conditions under which a federal income tax shall be paid, but the detailed regulations for the administration of this tax is issued by the United States Internal Revenue Service of the Treasury Department.

county government possesses little actual power to make rules governing the conduct of the county's inhabitants. It does have authority, however, to regulate the conduct of the county institutions and, to some extent, the work of county officers and employees. Much the same statement is true of the forest, sanitary, and park districts, and of certain other types of local governing bodies. These bodies possess a lesser degree of law-making power, and the citizen less frequently comes into contact with the rules which they make.

Complexity of
laws

This illustration helps us to get an idea of the great mass of laws operating in Illinois. While the illustration applies especially to Chicago, it is typical of many other parts of the state. A similar grouping of laws almost as complex will be found for a large number of the cities of Illinois. In the smaller communities and in the rural districts, the governmental organization is more simple, and there is less complexity of laws.

Chart I shows the general types of law operating in Illinois. Each student and citizen must fill in the municipal and other local ordinances for his particular community.

Local govern-
ments subordi-
nate to state

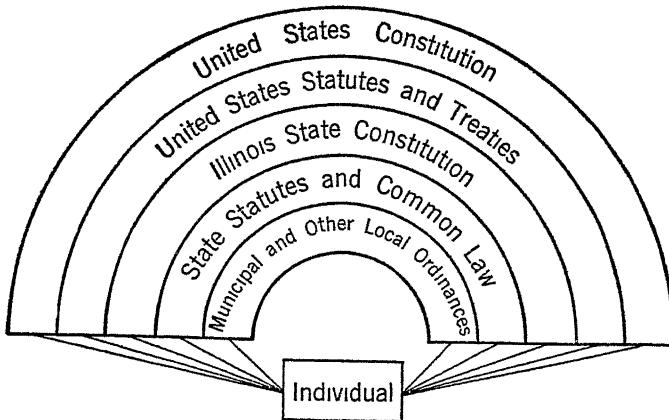
In studying various types of law we must bear in mind that the state constitution and state law are superior to the ordinances or regulations enacted by local governmental bodies within the limits of the state. These governing bodies have only such power to make law as has been granted to them by state authority. Just as the state has no power to make laws which conflict with those properly enacted by the national government under the Constitution of the United States, so the local communities within the state have no power

to make laws in conflict with the constitution or laws of the state. They have in fact no authority to make law except as such authority has been granted to them by the state itself.

The difference between the term "law" as it is here used and other rules which we ordinarily observe is that law has back of it the element of governmental authority. That authority may be national, state, or

Law compared
with other rules

CHART I



The law and the individual

local. A simple illustration will make this clear. State laws and local ordinances, both falling within the term "law" as here used, require that vehicles turn to the right upon meeting each other. National law contains definite provisions as to how vessels shall behave upon meeting each other on navigable waters. All of these regulations are subject to governmental enforcement and are therefore law. We have, on the other hand, a rule

of social custom that one shall turn to the right upon meeting another. As a matter merely of social custom, this rule is not enforceable by government. It has not seemed necessary to put any governmental authority back of such a custom, although it has been necessary to do this with respect to a similar custom as regards automobiles. However, if a person turns to the left rather than to the right upon meeting another, he may be put to some inconvenience. If he is injured, he may not be permitted to recover damages in court for his injury, if the other party is able to show that through violating a common social practice the injured person was himself, as a matter of fact, really responsible. This view may be taken, not because any rule of law relieves one from responsibility for injuring another, but because the injured person has not shown reasonable and intelligent care in his behavior. A rule of social custom is likely to be enacted into law when its observance becomes of sufficient importance to require enforcement by governmental authority.

Limits of governmental authority

What has just been said may perhaps be used as the basis for the determination of the proper limits of governmental action. Anything which an individual can more satisfactorily do for himself, or in voluntary co-operation with others, may and should properly be left to the individual. The things which government does have enormously increased. This increase is justifiable just to the extent that government does things which can be more satisfactorily done for all of the people by the one organization representing them as a group. When government attempts to do things which can be more satisfactorily done by the individual for

himself, or by groups of individuals in voluntary co-operation, it goes beyond its proper limits and tends to become inefficient. Many things not done by government in the past are properly and necessarily done by government today. For example, it was not until fairly recent times that government in this country or elsewhere attempted to organize a complete system of schools. This is today recognized as a necessary and proper task of government. Individuals could not provide themselves with a proper system for the education of their children, and merely private endeavor could never establish schools that would reach everybody in the community. The state of Illinois makes school attendance compulsory, and it properly does this. But it could not do this if it did not at the same time provide a system of free schools.

Government has gradually undertaken new tasks. This is true of the national government, of the state government, and of the various communities which go to make up our local governments. Our state and local governments have to a large extent retained the form of organization which they had when few tasks were to be performed by them. These governments have on this account not performed with effectiveness or satisfaction all the new tasks that they have assumed. The multiplication of things to be done by government has to some extent caused the doing less satisfactorily of the tasks which were formerly regarded as the most essential things to be done by governmental authority. In its earlier days, government existed primarily for the preservation of order and for the punishment of offenses against criminal laws. These functions have perhaps

New tasks of
government

suffered because government has undertaken so many additional things without proper adjustment of its organization to its enlarged program.

Better organiza-
tion necessary

So long as government merely seeks to do things that need to be done for all of the people of the community (and that the individuals themselves cannot effectively do either as individuals or through private sources), it has not gone beyond its proper functions. Governments are not satisfactorily and competently organized for the proper performance of their tasks. However, it is possible so to organize them that they will do their work more satisfactorily. Governments must be so organized, if they are to be the effective agencies of the people. During the past fifty years government has enormously expanded its activities. There is no way by which we can determine what further expansion of these activities will take place during the next fifty years. It is therefore all the more important that the various governments should so organize as to perform satisfactorily the functions that they now have. At the same time, they should be able to meet satisfactorily new functions which the needs of the nation, the state, and the local communities may require them to undertake.

GOVERNMENT SUPPORTS ITSELF BY TAXES

Nature of taxes

Government is the only organization which may compel those under its authority to contribute toward its support. As we multiply the number of governments over us and the number of things they do, we at the same time increase the expense. Increase in expense necessitates increase in taxes, which the people must pay.

Each of us directly or indirectly pays taxes for the support of government. If we own real or personal property, we pay taxes directly to meet the expenses of our state and local governments. If we rent the house in which we live, the owner pays the tax directly but we pay it indirectly. If our incomes exceed a certain amount, we pay income taxes to the national government. If we smoke tobacco, we pay taxes to the national government, and the national government has for some time taxed us whenever we go to a "movie."

Everybody pays
taxes

Governments, in many cases, perform certain services for which we pay just as we would pay a private individual or company for the same service. The United States government, for example, requires us to pay for each letter we mail. Many cities in Illinois own their own water works, and those who use the water are required to pay for it. Government does not ordinarily perform services of this sort except where such services meet the needs of all the people under its control.

Payments for
government
services

POPULAR SHARE IN GOVERNMENT

Under the form of organization adopted by Illinois and the other states in this country, substantially every citizen on reaching twenty-one years of age enjoys the right to vote. Those who do not have this right are disqualified because of crime, insanity, or certain other reasons. Through the use of the ballot, the citizen not only has the privilege of sharing in the conduct of government, but also the responsibility for making it effective. Government can be no more effective than its citizens make it.

Responsibility of
citizen

Summary

Government is a human agency for the purpose of meeting the needs, encouraging the ideals, and promoting the development of the people over whom it operates. As an organization, it has certain characteristics not possessed by other social institutions: it includes everyone within a particular geographic area, and it acts with reference to the interests of all such people; it controls its people by laws which are passed by the various governing bodies to meet the particular needs of the people over whom they have jurisdiction; government supports itself by taxes paid directly or indirectly by all the people under its authority; in the conduct of government each qualified citizen may share, and upon him is the responsibility of making government effective.

STUDY QUESTIONS

1. What does government do for you? How does it affect your daily life?
2. Make a list of the governments whose laws affect you. List the specific laws which directly affect you as an individual.
3. What kind of taxes do you or your parents pay?
4. For what services performed by government do you pay when the service is rendered?

CHAPTER II

WHAT GOVERNMENTS ARE OVER US?

NUMEROUS GOVERNING BODIES

So far we have been concerned with what is government and what government does. Now we shall consider the various governing bodies and the particular work done by each of them. In doing so we shall outline the chief governments which may affect citizens of the state of Illinois and indicate their relationships to one another. Such an analysis constitutes an essential basis for the study of government and for the intelligent discharge of the citizen's duty. Clearly, no one can effectively share in the conduct of the numerous governments over him unless he knows what these governments are and his relationship to each of them.

Purpose of
chapter

1. *Government of the United States.*—The government of the United States has, within the limitations of the United States Constitution, full authority over every part of the state of Illinois. The national government is one of limited powers, and Illinois has, as do all the states, the powers not granted to the national government. For the exercise of its powers the national government has set up a complete judicial and administrative organization. This organization is found not merely in Washington, as the capital city of the nation, but throughout the whole country. This national organization has its center, however, in the national capital. For example, the postal system, while covering

National
government

the whole country, is completely controlled from Washington. The local post-office in every city and village of the country is definitely under the supervision of Washington, and there also are determined the methods of choosing the local postmaster and his employees. Likewise, the mail carrier who delivers our mail is a part of an organization controlled from the capital of the nation. Similarly, the United States marshal, appointed and controlled from the national capital, enforces the laws of the United States, and the United States district attorney, also appointed from Washington, prosecutes in the federal courts cases involving the federal laws. Moreover, all cases in the federal courts are tried by judges appointed by the president of the United States.

States as units of
the nation

The national government has close relationships with the state governments. But for most purposes it sets up within state territory its own machinery for the execution of national laws. During the recent world-war, however, the national government used the state governments, to a large extent, as agencies for the administration of its laws for the drafting of soldiers, and the regulation of the consumption of food and fuel. The national government appropriates money which may be used by the states under certain conditions in aid of the building of roads, of education, and of other purposes. In these cases, the nation requires that the states also appropriate certain sums of money for these purposes and comply with certain conditions imposed by national law for the obtaining of money so appropriated. The states are, of course, parts of the national government. By their votes the people of the states elect the president and

vice-president of the United States, and the members of the national Senate and House of Representatives. Although the United States is a government composed of states as units, it is of interest to note that the state of Illinois and twenty-nine of the other forty-eight states of this country have been formed out of territory once belonging to the national government.

2. *Illinois state government.*—The state government of Illinois exercises authority over all parts of the territory of the state. This authority is complete, except as such authority is conferred upon the national government by the Constitution of the United States. Within its limits the state has broad powers as to substantially all matters relating to the internal concerns of the state, and to relationships among the people within its borders. The national government has organized an administration largely controlled and appointed from Washington for the enforcement of its laws throughout its whole territory. The state government, on the other hand, uses to a large extent locally elected officials for the enforcement of its laws. The state laws of Illinois are enforced by sheriffs, elected by the people of each county, and also by chiefs of police, appointed by mayors who are elected by the voters of their cities, or by locally elected constables. Prosecutions for the violation of state laws are to some extent conducted by the attorney-general, who is a state officer, but are mainly in the hands of state's attorneys, elected by the voters of each county. Cases involving the violation of the laws of the state are tried by justices of the peace who are locally elected; by courts whose judges are elected by the voters within the limits of a single city (city courts

Relation of state
to local govern-
ments

or Municipal Court of Chicago); by courts whose judges are elected by the voters of a county (county and probate courts, Circuit, Superior, and Criminal courts of Cook County); or by judges elected from the circuit composed of several counties (circuit courts outside of Cook County). The Supreme Court of the state is a court for the whole state, but the judges of this court are not elected from the state as a whole, but one is elected from each of the seven districts into which the state is divided for this purpose.

Machinery of
state government

The state government itself sets up at Springfield, the state capital, machinery for the complete administration of certain of its own affairs. For example, the state has a complete organization for the management of the state prisons and of the numerous charitable institutions which it operates. Not only this, but even with respect to some matters which involve the enforcement of law throughout all the territory of the state, the state has set up central machinery. The state, for example, provides for a group of factory inspectors whose duty it is to see that all of the factories of the state obey the laws with respect to health and safety conditions in factories, and with respect to the employment of women and children. The state also has a group of inspectors whose duty it is to see that the laws of the state are enforced with respect to safety in mines.

Scope of state
activities

We shall make no effort in this chapter to set out in any detail the various activities of the state government, either directly through officers and employees whom it chooses, or indirectly through the activities of locally elected and appointed officers. The activities of the state, either directly or through its locally elected

agencies, form the basis for most of the discussion that follows in this book. The laws which control our transactions with one another, which regulate the public health, the schools, and almost all of the matters vitally affecting our daily life, are controlled by the state or by the local governments which form agencies of the state. The state has, to a greater and greater extent, set up machinery of its own for supervision of the locally elected officers, who, in their communities, perform to a large extent the services of the state. Within limits fixed by the state constitution, the state through its legislative body determines what powers shall be exercised by local governing bodies.

3. *County government.*—There are in Illinois 102 Functions of
counties, which cover all parts of the territory of the county
state. The county is the chief agency of the state for
the enforcement of state laws, and is the chief geographical
unit of the state government for the organization of
the courts. The tendency of state legislation has been
to make the county the most important local governing
body for the carrying out of state laws.

Except for Cook County, counties form the units County as unit
which go to make up senatorial districts, congressional for other areas
districts, circuits for circuit courts, appellate court districts,
and supreme court districts. Cook County is
divided into a number of senatorial districts. It forms
an area for a separate circuit court, and is a separate
appellate court district. Together with four other
counties it forms a supreme court district. The county
may be regarded as a unit for the construction of
governmental areas for the election of various state
officers and of members of Congress. These districts so

formed add to the number of governments over us, although they exercise relatively few functions.

Types of county
government

4. *Civil town and road districts.*—Under the constitution of 1870, three types of county government are provided for: (1) the township system with its civil towns; (2) the commissioner system with its road districts; (3) Cook County government. Although Cook County has the township system, the organization of its county board differs from that of the other eighty-four counties under this system. The organization of the Cook County Board is definitely provided for by the constitution, and the township system in this county is in reality different from that of other counties. The Cook County Board is composed of fifteen commissioners, ten elected from Chicago and five from the county outside.

Township system

Eighty-five counties of Illinois (including Cook County) have their governments organized under the township system. These counties are divided into civil towns, each of which has certain powers with respect to roads, tax assessments, and other matters. The notion of the law has been that these civil towns should be substantially the same as the congressional townships of 36 square miles into which the whole state is surveyed. The civil towns, however, are in many cases larger or smaller and have an average area of 35.3 square miles as contrasted with the 36 square miles of the congressional township survey. Each civil town elects a supervisor and certain other officers. The supervisors of the towns (outside of Cook County) make up a board of supervisors who constitute the governing body of the county.

Commissioner
system

In the seventeen counties not under the township system, the county is governed by a board of three com-

missioners elected from the county at large. Justices of the peace and constables are elected from election precincts into which these counties are divided. These counties are also divided into road districts for purposes of road administration. The election precincts and road districts form the local areas in these counties for the doing of many tasks of governmental work which the civil towns perform in the eighty-five counties under the township system of government.

5. *Forest preserves.*—Any area of contiguous territory, lying wholly within one county and containing one or more natural forests or parts thereof and one or more cities, towns, or villages, may be incorporated as a forest preserve district. In case the boundaries of any forest preserve district are coextensive with the boundaries of any county, city, village, incorporated town, or sanitary district, the corporate authorities of the county, city, village, incorporated town, or sanitary district exercise all of the powers of forest preserve commissioners. If the territory is not coextensive with any of the areas just mentioned, the affairs of a forest preserve district are managed by a board of five commissioners, appointed by the president of the board of county commissioners or by the chairman of the board of supervisors of the county, by and with the advice and consent of the members of such board. Cook County has been organized into a Forest Preserve District, and the Board of Commissioners of Cook County form also the Board of Forest Preserve Commissioners.

Organization of
forest preserves

6. *Sanitary and drainage districts.*—The city of Chicago, together with a large part of its surrounding territory, is organized into a Sanitary District under legisla-

Sanitary District
of Chicago

tion of 1889. The purpose of creating this district was largely that of constructing a drainage canal in order to dispose of the sewage of the city of Chicago and of adjacent cities. This district lies entirely within the limits of Cook County, and is controlled by trustees elected from within the territory of the district.

Other sanitary
districts

Territory containing one or more incorporated cities, towns, or villages, and so situated that the public health will be promoted by the construction and maintenance of plants for the purification and treatment of sewage, is authorized to establish a sanitary district. The territory of the city of Decatur has organized as a sanitary district. Contiguous territory within the limits of two counties may be established as a sanitary district for the purpose of protection against overflow from any river or tributary thereof. The territory including the city of East St. Louis, a great deal of the territory outside of East St. Louis in St. Clair County, and some of the territory of Madison County has been organized into a sanitary district.

Drainage
districts

Drainage districts for the drainage of farm land have been organized to a very large extent throughout the state. Sanitary or drainage districts voluntarily organized by the vote of the people of a particular territory will be found over a large part of the state, organized for purposes of promoting the health or safety of their territories, or for improving farm land.

Increased impor-
tance of city

7. *Cities, villages, and incorporated towns.*—Originally, Illinois was a rural state composed mainly of people who lived in the country or in small communities. The city population of the state has grown rapidly, and the city of Chicago alone now has 41 per cent of the total

population of the state. Of the 6,500,000 inhabitants of the state, 3,400,000 now live in cities of more than 25,000, and 64 per cent live in cities of more than 5,000. The problems of city government have thus come to be practically the most serious problems of local government in this state, and cities have come to be the most important units of government for purely local purposes. In most of its activities the county is an agency for doing the work of the state government, whereas the city is more distinctly an agency for the doing of additional things which need to be done in the interest of the people who live within the city. The city is also, to a large extent, an agency for the carrying out of the state activities within its borders. To a much greater degree than the county, the city is an agency for the carrying out of local activities in which the state as a whole is not so much concerned. The city also, because of the fact that its people live more closely together, becomes a more important agency of the state for the protection of the health and safety of its citizens. The state government is, of course, interested in all of the activities and interests of its citizens, and is interested not only in what the city does as an agency of the state but also in what the city does as more purely an agency for its local inhabitants.

The city government (like the governments of the county, the civil town, forest preserve district, sanitary district, and the other local governments discussed in this chapter, has only such powers as the state may confer upon it. The county, however, has a great part of its organization prescribed by the state constitution, and to this extent is beyond the control of the General

Organization of
cities and
villages

Assembly of the state. The cities and the other local governing agencies of the state, on the other hand, are completely subject to state legislative authority. Any area of contiguous territory not exceeding 4 square miles, having within itself a population of not less than 1,000 inhabitants, which is not already included within an incorporated town or city, may establish itself as a city government under the laws of Illinois. Any area of contiguous territory not exceeding 2 square miles, having a population of at least 300 inhabitants and not included within the limits of a city, village, or incorporated town, may become incorporated as a village under the laws of Illinois.

Incorporated
towns

Use has been made above of the term "incorporated town." This term was used by state laws in Illinois before 1870, for the creation by special legislative act of incorporated communities having substantially the powers now possessed in this state by cities and villages. Some of these incorporated towns created by special laws before 1870 still exist in this state. The largest of these is the town of Cicero, lying just adjacent to the city of Chicago and having a population of 45,000 inhabitants. The term "incorporated town" continues, and must continue, to be used so long as there are any such communities remaining by virtue of special laws passed before 1870.

Uses of "town"
and "township"

The distinction between the incorporated town (which is really a village government) and the civil town should be borne in mind. It is unfortunate that the term "incorporated town" must continue to be used, for there is already a possibility of confusion between the civil town and the congressional township.

In order to avoid confusion, this book uses the term "civil town" whenever the local governing units of the county are referred to; congressional or school "township" in referring to the surveyed township used as a governing body for schools; and "incorporated town" when referring to the small number of incorporated communities governed by special characters granted before 1870.

8. *School townships and school districts.*—In the discussion of civil towns, reference has been made to congressional townships. The term "congressional township" is primarily one for the purpose of designating the rectangular area of 36 square miles, divided into squares each containing 1 square mile, or 640 acres. This plan of surveying the territory of the country into areas of 36 square miles was devised by a committee of which Thomas Jefferson was chairman. The 36 squares into which the congressional township is divided are called sections, and these sections in turn are divided for surveying purposes into quarter-sections. This sectional system is used as a basis for description in the transfer of lands by deed, or otherwise, within this state. The congressional township was intended by laws of this state to be largely the basis of the civil towns described above as forming the primary governing areas in counties under the township system of government. It has already been indicated that this plan has not been worked out to any full extent.

The congressional township does, however, in this state form an area for school purposes. A great deal of confusion is caused by the fact that the congressional township is a governing body for certain school purposes

Congressional
townships

School township
and school
districts

throughout the state, while the civil town with boundaries often not coterminous with the congressional township is used for other governing purposes in eighty-five counties. Each congressional township in the state constitutes a township for school purposes except that fractions may, under certain conditions, be attached to other townships. Each school township elects three trustees. School-township authorities thus chosen divide the township into school districts. These small school districts, each of which ordinarily manages but a single school, constitute the primary areas of this state for the purposes of operating the public-school system. School districts, as now organized, in many cases cross the lines of school townships.

School districts
within cities

The city of Chicago is, by legislation specially applicable thereto, established as a school district with a board of education appointed by the mayor with the approval of the city council. In some other cases, school districts are organized having the same limits as cities or villages, and in some of these cases members of school boards are appointed by mayors of cities. However, this is by no means necessarily the case, and there are a great many instances in which a school district with its separate governing body includes only part of a city, or includes the whole of a city together with some outlying territory.

Township high
schools

The school district is ordinarily much too small a unit for the effective conduct of a school system. For this reason, a movement has been going on for many years to make the township the primary unit of school government. This movement has not yet resulted in much success. However, any school township may by vote organize a township high school, and more than

100 township high schools have been so organized. By this means a larger area for high-school purposes has been obtained.

Provision exists by law for the establishment of community high-school districts which may embrace territory in two or more townships, and also for the formation of non-high-school districts. A non-high-school district in each county is made up of the parts of that county not included in school districts operating high schools, and is formed for the purpose of raising revenue to defray the expenses of pupils from such districts attending high schools conducted by other districts. An act of 1919 permits compact and contiguous territory bounded by school-district lines to establish itself as a community consolidated school district.

Other types of
school districts

Through laws authorizing township high schools, community high schools, and community consolidated school districts, it has been to some extent possible to get away from the small school district and to establish better schools covering a larger area of territory. But this result has been accomplished by an added complexity of local governing bodies

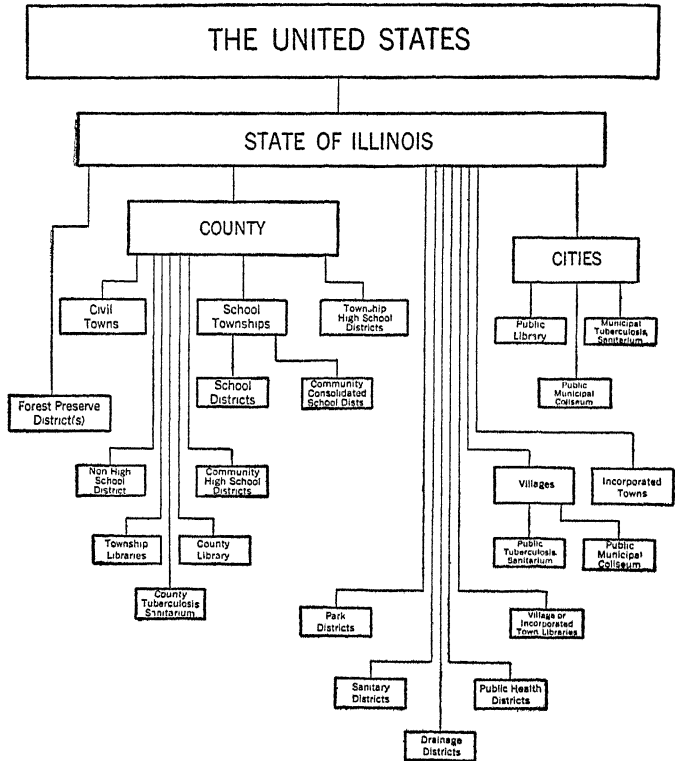
Larger school
areas

9. *Park districts*.—Within the city of Chicago, districts for the operation of the South Park, West Park, and Lincoln Park systems were established by special laws before 1870. Legislation has been passed in this state under which smaller districts have been created within the city of Chicago, and under which park districts have been established throughout all parts of the state of Illinois. A large number of smaller cities of the state are included within park districts which are not coterminous with such cities. It is probably

Parks

true that most of the territory of the state covered by cities is also covered by park districts with their separately chosen officers and their separate governmental powers.

CHART II



Possible governments exercising authority within a county under township organization, state of Illinois.

Chart of possible
governments

Chart II indicates the types of government which may be found in the eighty-five counties under the town-

ship form of organization. Counties under the township system have been used as a basis for illustration because these counties are more numerous and their government is more complex than that of counties of the commissioner type. Students living under the commissioner form of county government will find many of these same types of governing bodies exercising authority over them. They will, of course, not find a civil town, but in its place will find certain powers of local government exercised by road districts and election precincts.

The following list indicates in a different manner the various forms of governmental organization which may be found in these eighty-five counties:

List of possible
governments

POSSIBLE GOVERNMENTS EXERCISING AUTHORITY WITHIN A
COUNTY UNDER TOWNSHIP ORGANIZATION (EIGHTY-
FIVE SUCH COUNTIES IN ILLINOIS)

United States

State of Illinois

County

Civil towns

School townships

*School districts

*Community consolidated school districts

†Township high-school districts

†Non-high-school district

†Community high-school districts

County Tuberculosis Sanitarium

County Library

Township libraries

Cities

Public Library

Municipal Tuberculosis Sanitarium

Public Municipal Coliseum

*Only one type of school district usually embraces the same territory.

†Only one type of high-school district usually embraces the same territory.

Incorporated towns
Incorporated town libraries
Villages
 Public Tuberculosis Sanitarium
 Public Municipal Coliseum
Village libraries
Park districts
Forest preserve districts
Sanitary districts
Drainage districts
Public-health districts

GROWTH IN NUMBER OF LOCAL GOVERNING BODIES

Other local
governing bodies

These different governmental organizations, in many cases, are operating over the same citizen, each with its separate organization, separate officers, and separate taxes. In many cases, each of these bodies has boundaries which are not coterminous with the boundaries of other governmental organizations within the same territory. But this does not tell the whole story. City councils have authority, which, in many cases, they have exercised, to establish and maintain public libraries, and a tax for this purpose is provided. However, the directors of such city libraries are not added to the already lengthy number of elective officers, but are appointed by the mayor of the city with the approval of the city council. Separately elected library boards are provided for public libraries in villages, incorporated towns, or civil towns. Cities are authorized to establish municipal tuberculosis sanitariums, also with an additional tax rate, but with a board of trustees appointed by the mayor with the approval of the city council. Counties are also authorized to establish county tuberculosis sanitariums, with a tax rate provided

for this purpose, but with a board of directors appointed by the chairman or president of the county board. County library systems are also authorized with boards appointed by the county commissioners or boards of supervisors. Fortunately, with respect to city and county libraries and with respect to municipal and county tuberculosis sanitariums, existing governmental bodies have been employed, and those controlling these activities have been made appointive. But these bodies really do constitute substantially independent and additional governing bodies, after they are once appointed. The same statement applies to school boards appointed by the mayors of cities, as in Chicago and in some other places. Once appointed, these authorities are largely independent of other local governing bodies in the exercise of their authority.

Fortunately, it is not possible for all of these types of government to exist at the same time over the part of the state in which any one of us lives. With Chart II and the accompanying list, it should be possible for each student to discover which of these governments are directly over him. In order to illustrate the type of result to be obtained in this manner by the citizens of any one community, Chart III, on page 32, indicates the local governments exercising authority over the village of River Forest in Cook County.

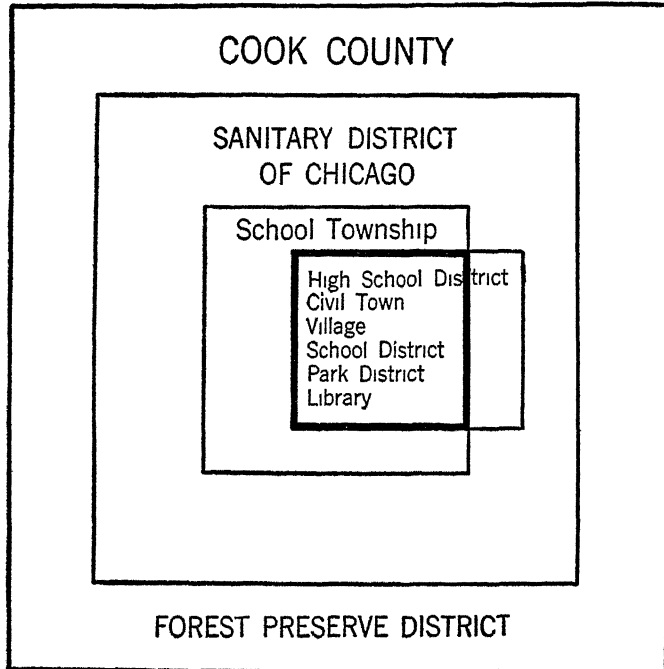
Which of these affects you?

Many of the local governing bodies discussed here have been created as a result of local action under the provisions of state law. Park districts, sanitary districts, forest preserve districts, and many types of school districts have, to a great extent, been created by local action for the purpose of performing certain types of

Growth of local governing bodies

local governmental services. Each time a new service of a local character needs to be performed, a new area of local government has been created for the purpose.

CHART III



Local governments exercising authority within the village of River Forest, in Cook County.

Some of these districts have been necessary ones, and, in some cases, constitutional limitations made it necessary to create new areas of local government if certain essential functions were to be exercised.

Aside from the county, which is to a large extent a constitutional creation, the areas of local government are established by legislative authority. This is true to a large extent also of the county, for, while under the constitution the county must exist, its powers are really controlled by state law. Under the state constitution the general assembly must also provide for a township system, but what the civil towns shall do, and how they shall do it, is completely under legislative control.

Although the areas of local government are primarily the creations of state law, it has depended upon those living within a given territory as to whether certain of these areas shall be established. Where a territory has not been already incorporated as a city or village, its incorporation as such depends upon a petition and popular vote of the people within the territory. The same thing is true of the creation of sanitary districts, park districts, certain types of school districts, forest preserve districts, and of many other areas now existing for the purpose of local government. What the general assembly does is to pass a so-called "local option" law. By such a law, certain types of districts may be created if the people of a particular area desire to create such districts. The creation of the district results from local action, although the power to create such districts by local action is obtained from state law.

Thus the state law has authorized, and the local communities have created one after another, a whole series of overlapping and more or less conflicting bodies for the exercise of powers of local government. The natural result has been inefficiency. It is a commonplace that a task may oftentimes be better done as a single enter-

Local bodies
created by state

Local option
laws

Inefficiency due
to number of
local bodies

prise than if it is split up into ten or a dozen separate, small pieces. When government is so divided that the citizen must watch a whole series of governmental bodies in order to see that their work is done efficiently, and is so split up that each of the governmental bodies has too little to do, inefficiency is bound to result. Inefficiency results under the same conditions in the handling of private business. Not only this, but if a citizen devoted a sufficient amount of time to all of these governing bodies to know how well each is performing its task, he would have no time in which to earn his living.

Reasons for
increase in num-
ber of local
bodies

Let us examine for a moment the reasons why many of these new types of areas have been created. Take a specific illustration. In 1889 the city of Chicago faced the necessity of large expenditures in order to devise a system for sewage disposal. Under the constitution of Illinois, cities and other municipal corporations may not borrow money in excess of 5 per cent of the assessed value of property for purposes of taxation. The city of Chicago was for this reason unable to borrow the money required for a sewage-disposal system. What was done therefore was to get legislation from the General Assembly of the state of Illinois authorizing the creation of a sanitary district. A sanitary district was thereupon created, including not only the city of Chicago but some outlying territory. This sanitary district as a new creation started anew with a debt limit of 5 per cent, and was able to borrow money for the purpose of building the drainage canal. The city of Decatur in 1917 faced a problem similar to that of Chicago in 1889, and in facing this problem had substantially to do the same thing done by the city of Chicago. Legislation was

obtained in 1917 permitting the creation of a sanitary district. And a sanitary district has been organized for the purpose of working out a system of sewage disposal for the city of Decatur.

TENDENCY TO USE LARGER AREAS

The civil town has for some years tended to become less and less important as a governmental body, and there has been a tendency to use the county to a greater extent. This tendency is a desirable one because the county as a larger community is able to organize effectively the conduct of many tasks of government. However, under the constitution of Illinois the county has a tax limit of seventy-five cents upon each one hundred dollars of valuation for taxable purposes. It is therefore out of the question to use the county as a unit for matters requiring heavy expenditures of money. The civil town has therefore had to be maintained for some purposes for which it might well be abandoned. For charity and road administration, and for certain other purposes, the county has become increasingly important. In connection with road matters the county is now employed as the state agency for a carefully planned system of state-highway construction.

Increasing
importance of
county

There has also been a growing tendency upon the part of the state to set up its own administrative organization, operating from the state capital, under the supervision of the governor. No county (except possibly Cook County) constitutes a large enough unit in itself for dealing with specialized types of dependents, such as the insane, the epileptic, and the feeble-minded. For this reason, the care of these types of dependent people

Growth of state
administrative
organization

in the community has been removed from local control, and the state has gradually built up a large number of institutions for the care of such persons. To a lesser extent the state has taken over the education of the deaf, the dumb, and the blind. The state very early, through its prisons and reformatory institutions, took over from the counties the detention and care of prisoners sentenced to confinement for any long period of time. By these means the state has to a large extent simplified the problems of the county almshouse and of the county jail, although even yet many serious problems present themselves with respect to the county poor and jail administration.

ELECTION AREAS

Election areas

When the citizen looks at government from the standpoint of his own local community, he must not only analyze the bodies which actually exercise governmental authority over him, but must also bear in mind the areas into which the state is divided for certain other purposes of government. For purposes of convenience in electing public officers, the state is divided into a number of areas. The smallest of these areas is the voting precinct. In chapter iv of this book will be found a discussion of the organization of the voting precinct and of the machinery by which each citizen votes or should vote for those who are to have authority over him. Within the city (other than commission-governed cities) there is the ward, and the voters of each ward choose the members of their city council. Cook County is the only county having a sufficient population to be divided into senatorial districts for the purpose of electing members to the state Senate

and House of Representatives. Several counties constitute state senatorial districts without being united with other counties (St. Clair, Peoria, and La Salle). All other counties of the state are united with one or two, or more other counties to form senatorial districts, and from each senatorial district there are elected one senator and three representatives.

Cook County forms a judicial circuit to itself. With this exception all of the other counties of the state are in some manner united with other counties to form seventeen judicial circuits. Within each of these judicial circuits three circuit judges are elected. The county itself is, of course, the voting area for the election of county officers.

The counties outside of Cook County are also united into three large appellate court districts, for the election of appellate court clerks, and for the holding of appellate courts. No separate judges are elected to hold appellate courts, but certain of the circuit judges are designated for this purpose. The counties of the state are united into seven large districts, each of which elects one supreme court judge

The governmental situation outlined in this chapter is a complex one, and a simpler organization will result in better government. But the citizen must understand the conditions now existing before he can do much toward bettering them. The best way for each citizen to obtain a clear picture of the governments which control him is to make a table and chart of the authorities which exercise power over his own community, and of the areas within which he votes for different types of governmental officers. In preparing and studying such a table and

Judicial circuits

Appellate and
supreme court
districtsComplexity of
governmental
areas

chart, it should be remembered that the present tendency is to make the county the most important local governing agency of the state, and the city the most important local governing agency for the meeting of distinctly local needs.

STUDY QUESTIONS

1. Prepare a table of the governments which exercise authority over your community. For a general outline of governmental areas in Illinois see an article entitled "Political Geography and State Government" in the *American Political Science Review*, XIV (May, 1920), 242.
2. With a table of the governments having authority over you, prepare a chart, indicating which ones overlap others in territory.
3. Outline the activities of the governments having authority over you.
4. Outline the congressional survey system, and trace the influence of the survey township on local government in Illinois.

CHAPTER III

HOW GOVERNMENT HAS DEVELOPED IN ILLINOIS

ILLINOIS TO 1818

Government in Illinois is a complex structure, touching the daily life of every individual. Its growth has been the result of the varied and changing social, economic, and political influences since the foundation of the state. The construction of railroads, the growth of cities, the building-up of large-scale industries, the advancement of education and religion, the development of agricultural resources—these are the influences that have determined the nature and activities of our government. In a broad sense, the history of government involves a history of all these complex forces. But it is beside the point to analyze these forces here. Our present government is an outgrowth of the past. The important steps in its growth form a necessary background for the study of the government of today.

Government an
outgrowth of
the past

The territory now included within the state of Illinois was under French control from its first exploration in 1673 until it was taken over by the British under the terms of the Treaty of Paris of 1763. George Rogers Clark, under a commission from Governor Patrick Henry of Virginia, captured Kaskaskia and the adjoining villages from the British in the summer of 1778, and in 1779 captured Vincennes. Partly as a result of this military expedition, and partly upon the basis of royal charters granted early in the seventeenth century,

The Illinois
country,
1673-1784

Virginia claimed all of this territory acquired by force of arms. In 1778 the legislature of Virginia organized it into the County of Illinois. Little of actual government, however, was established under the authority of Virginia. The treaty between the Thirteen Colonies and Great Britain in 1783 recognized the right of the United States to the Northwest Territory, and in 1784 Virginia ceded her claim to the Union.

Ordinance of
1787

In 1784 the Continental Congress passed an act for the government of the Northwest Territory, but this ordinance never became effective. In 1785 the township survey system was established by an act of the Continental Congress. This survey system is the basis for the congressional townships which form units in the present school system of Illinois. The first great step taken by the United States in the organization of the Northwest Territory was the Ordinance of 1787, adopted by the Continental Congress. This ordinance, which was slightly amended by the Congress of the United States after the formation of the present national government under the constitution of 1787, gives the basis for the first organized territorial government under the United States. By this ordinance the Northwest Territory was to be formed into not less than three nor more than five states, and the states were to be admitted whenever they had 60,000 inhabitants. By the terms of the ordinance the western state to be formed from such territory was to be bounded by the Mississippi, the Ohio, and the Wabash. Its northern boundary might be the Canadian frontier. The ordinance also authorized Congress to form one or two states out of the territory north of the line drawn through the southerly bend of Lake Michigan.

Under the Ordinance of 1787, the United States set up a government for the Northwest Territory in 1788 with its capital at Marietta, which is now in Ohio. Arthur St. Clair was made the first governor of the Northwest Territory. In 1790 the territory now constituting the state of Illinois was organized into two counties. St. Clair County included all of the southwestern part of Illinois, and the eastern part was placed in Knox County, which also included a portion of Indiana. A third county known as Randolph was created in 1795 from the southwestern portion of St. Clair County, with Kaskaskia as its county seat. In 1800 Congress took steps toward the admission of Ohio as a state, and the remainder of the Northwest Territory was set up as the Territory of Indiana with its capital at Vincennes.

The settlements in Illinois were far removed from Vincennes, and a movement began soon after the organization of the Indiana Territory for the purpose of dividing that territory into two governments. In 1809, Illinois Territory was established and its boundaries were so defined as to include not only the present territory of Illinois, but also almost all of Wisconsin, a large portion of the northern peninsula of Michigan, and all of Minnesota east of the Mississippi River. By the census of 1810 this territory had a population of 12,282 people, almost all of whom were in southern Illinois, along the Ohio and Mississippi rivers. The French population had always been small, and most of the people in the Illinois Territory in 1810 were Americans who had come from the slaveholding states. However, the earlier settlers of Illinois were in the main not them-

selves slaveholders. The capital of the Illinois Territory was fixed at Kaskaskia.

Creation of
counties

Immediately after its creation as a separate territory, Illinois was divided into the two counties of St. Clair and Randolph. Randolph County included all of the territory lying south of a straight line, starting on the Mississippi River a little north of the present northern limits of Randolph County, and running northeast to a point on the Wabash River a little north of the present northern limits of Crawford County. St. Clair County included all of the territory north of this line. From 1809 to 1818, thirteen new counties were organized, so that when Illinois came to be admitted as a state it had fifteen counties. Three of the counties in 1818, Madison, Bond, and Crawford, started at a point about the present southern line of Madison County and ran to the extreme northern limits of the territory. The territory included in these three counties had as yet very little population.

Enabling act,
1818

In 1818 Nathaniel Pope, the Illinois delegate in Congress, presented a petition for the admission of Illinois to statehood. This petition was referred to a committee, and a bill was presented authorizing the Illinois Territory to form a constitution and seek admission as a state. The boundaries contemplated by the Ordinance of 1787 would have limited the state of Illinois to the southernmost point of Lake Michigan. Pope's original bill proposed a line 10 miles north of that point, but by amendment he obtained a northern boundary of $42^{\circ} 30'$, about 51 miles north of the boundary proposed in the ordinance. This change gave to Illinois an extensive coast on Lake Michigan, with an additional area of 8,000 square miles. Within the area obtained by

Pope's amendment now lie eight whole counties, and the greater part of six others, together with the city of Chicago

A constitutional convention was assembled at Kaskaskia in August, 1818, and framed a brief constitution. This document became effective as the constitution of the state by the admission of Illinois as the twenty-first state in the Union, on December 3, 1818.

Illinois becomes
a state

THE CONSTITUTIONS OF ILLINOIS

The state admitted by the constitution of 1818 was a frontier state with less than 45,000 people, settled chiefly along the rivers with substantially few inhabitants in the northern half of its territory. This state developed rapidly in population, and with this rapid increase and expansion new governmental needs developed. The organization of counties naturally came earliest in the settled portions of the state along the Wabash, the Ohio, and the Mississippi. But soon settlements began to develop along the valley of the Illinois, and along Lake Michigan, and to the west. The fifteen counties of 1818 had increased in 1859 to 102, the present number with the present boundaries. The 45,000 population of 1818 had grown in 1850 to 851,470. In 1870 the population had become 2,539,891 while in 1920 it had reached 6,485,280. The city of Chicago did not exist in 1818, and Cook County was not established until 1831. In 1848 Cook County had but 43,000 inhabitants while in 1920 it had 3,053,017.

Growth of state

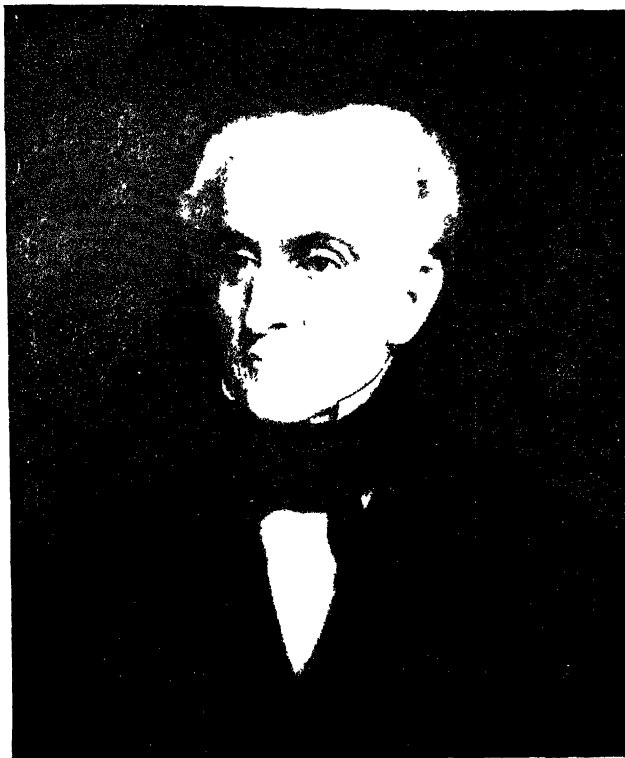
The first constitution of Illinois was a simple document containing little detail. A vigorous movement for a convention to frame a new constitution was begun in

Constitution of
1818 and slavery
struggle of 1824

1823 by those interested in the extension of slavery. The Ordinance of 1787 had provided that: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crime, whereof the party shall have been duly convicted." But the constitution of 1818 was not so strict. It provided that "neither slavery nor involuntary servitude shall be hereafter introduced into this state"; permitted persons bound to labor in any other state "to be hired to labor in this state," under certain conditions; and also recognized existing contracts or indentures binding persons to service. These provisions, although practically permitting the continuance of such slavery as then existed, were such as to cause Illinois to be regarded as a free state. The people of the state interested in the extension of slavery obtained in 1823 the adoption "by two-thirds of the General Assembly" of a resolution favoring a convention for the purpose of changing the constitution. The question of calling a convention was submitted to the voters in 1824, and probably involved the most vigorously fought election that has ever taken place in the state of Illinois. Governor Edward Coles, a Virginian and a former slaveholder, led the forces opposed to slavery, and the proposal to call a convention was defeated.

Constitution
of 1848

Other conditions caused a desire for changes in the constitution. By the constitution of 1818 the two houses of the state legislature were in practically complete authority, and this led to abuse and dissatisfaction. In 1847 a popular vote favored the calling of a constitutional convention, and this convention when assembled framed a constitution which was submitted to and approved by



EDWARD COLES, GOVERNOR, 1822-26
(From original owned by the Chicago Historical Society)

the people in 1848. Between 1818 and 1848 the population of the state had increased from something like 45,000 to about 850,000. The constitution of 1848 contained many matters of temporary detail and was substantially impossible to change. From 1848 to 1862 the state practically doubled in population, and matters of detail which were proper in 1848 had begun to prove difficult for a state of twice the population.

A successful movement was therefore set on foot for the calling of the constitutional convention of 1862. The members of this convention involved themselves in the political controversies then existing because of the conduct of the Civil War, and convinced the people of a large portion of the state that they were disloyal to the Union. Largely for this reason, and largely also because of the fact that the convention sought to interfere in matters concerning the conduct of the state government and of the war, the constitution proposed by this convention was defeated when submitted to a popular vote.

Convention of
1862

The need for constitutional change, however, continued and became greater with the increasing population of the state. By 1870 the state had become one of the most populous of the Union, with more than 2,500,000 inhabitants. In 1867, the General Assembly adopted a resolution providing for a popular vote at the next election of members of the General Assembly upon the holding of a constitutional convention. A favorable vote was had and the delegates were elected at a special election in November, 1869. They assembled at Springfield in December, 1869, and adjourned in May, 1870. The new constitution submitted by them, together with eight separate propositions, was adopted by popular vote

Constitution of
1870 and amend-
ments

in July, 1870, and became effective in August of the same year. The framers of the constitution of 1870 also included a great many matters of temporary detail in the constitution which they proposed. Not only this, but the constitution was difficult to change. Between 1870 and 1922, however, seven changes in the constitution have been adopted. The most important of these are the amendment of 1884, giving to the governor the power to veto items in appropriation bills, and the amendment of 1904, permitting special legislation under certain conditions with respect to the city of Chicago.

Constitutional
convention of
1920-22

The need soon made itself felt for a greater degree of constitutional change than seemed possible by the legislative proposal and the popular adoption of amendments. A movement for a constitutional convention began as early as 1884, but obtained little success until 1917. In that year the two houses of the General Assembly decided by a two-thirds vote to submit to the people of the state the question as to whether a convention should be assembled. The people by vote in November, 1918, favored a convention, and delegates to such a convention were elected in November, 1919.

THE REJECTED CONSTITUTION OF 1922

Proposed con-
stitution rejected

The constitutional convention assembled on January 6, 1920. After several recesses the convention finally agreed upon a proposed constitution which was submitted to the voters of the state on December 12, 1922. It was rejected by a majority of more than 700,000, out of a total vote of more than 1,100,000.

Reasons for
convention

The chief reasons for calling the constitutional convention were (a) to modernize the tax system of the state,

(*b*) to obtain a better and more simplified judicial organization, (*c*) to produce a short ballot, so that the voter would be better able to perform his duties; and (*d*) to provide an easier method for future amendments to the constitution, so that changes in the fundamental law of the state could be made when desired by the deliberate sentiment of the people. The chief features of the rejected constitution may be summarized as follows

1 The convention had been assembled largely because of the need for a more flexible plan of taxation. Under its proposals the General Assembly would have been permitted to substitute an income tax upon the income of intangible property for the taxation of such property on the basis of its value. It would also have been empowered to provide in addition for a general income tax on all net incomes. Taxation

2. It was proposed to consolidate the courts of Cook County, and to simplify to some extent the organization of the courts in other parts of the state. The Supreme Court was to have power to make rules of pleading, practice, and procedure in the courts. Courts

3. Chicago would have been given power to frame its own form of government; and power, without the necessity for legislative action, to deal with certain of its purely local problems. Chicago

4. The representation of Cook County was to be permanently limited to one-third in the state Senate, but was to be proportional upon the basis of voting strength, in the House of Representatives. Under the proposed plan cumulative voting would have been abolished. Should a future constitutional convention be assembled, Cook County was to be limited to 45 out of 121 members. Cook County representation

Things not done The necessity for a constitutional convention was largely occasioned by the difficulty of amending the constitution of 1870 through legislative proposals. But the framers of the proposed constitution were unwilling to propose an amending method much if any easier than that already in force. Nor did arguments in favor of a shorter ballot meet much favor either in the convention or in its proposals.

Prolonged session of convention The proposed constitution of 1922 contained many good provisions. Why was it defeated by such an overwhelming popular vote? There are several reasons. In the first place, the convention was in existence for more than two years and a half, although in recess during the larger part of this time. At the outset a square issue was made between Cook County and the remainder of the state over the question of Cook County representation. It was insisted by one group that Cook County should be permanently limited in both houses of the General Assembly. Though this group did not succeed, nothing else could be done until the settlement of this issue; and the final settlement was an unsatisfactory compromise. Through long delay the public had come to expect little from the convention.

Taxation Perhaps the chief influence against the proposed constitution was the fear of increased taxation. Many people were frightened by the possibility of a general income tax upon all net incomes, in addition to other taxes. Opposition on this ground was strengthened by the fact that the proposed constitution permitted only small exemptions from such taxation.

Representation Though an exciting campaign developed over the proposed constitution, there was a favorable vote only

in 26 of the 102 counties. The issue of representation had a large influence in Cook County, where only about 1 voter in 17 supported the document. But popular disapproval was not confined to any one part of the state.

The convention submitted its work as a single document, thus of necessity uniting all the forces opposed to any single change. It was urged to submit all important and controversial issues separately, as was done in 1870, but declined to adopt this policy. Had this been done, the people would probably have adopted a number of the proposed changes.

Submission as
single document

Another important factor in defeating the proposed constitution was that in form it appeared to be an entirely new document. Where a state has been long in existence, a new constitution is in most of its provisions new only in name. This was true of the proposed constitution of 1922. Both the delegates to the convention and the people were satisfied with most of the provisions of the constitution of 1870 and did not desire to change them. But the convention decided that many of these provisions should be re-written. Were a constitution a mere literary composition, this decision would not have been dangerous. But the constitution is a legal document whose language has in large part been construed by the Supreme Court. To change it involved the danger of changing its meaning, unless the change were made with great care. Many voters for this reason felt that adopting the proposed constitution was to embark upon an uncertain experiment. Not having the facilities for an intelligent judgment regarding each change, they suspected that in some cases concealed meanings had been introduced.

Attempt to
re-write con-
stitution

Chief factors in
rejection

The chief factors in the rejection of the proposed constitution may be summed up as: (1) taxation; (2) representation; (3) the fact that the voter must support or oppose as a whole; and (4) distrust (in many specific cases without basis but in others warranted) of a document whose language had been changed, even where admittedly no change of sense was intended.

Changes still
necessary

The assembling of the constitutional convention of 1920-22 will not have been in vain. The constitution of Illinois needs change as badly now as it did before; and the defeat of the proposed constitution was not an expression of satisfaction with things as they are. A proposed constitution was rejected in this state in 1862, but a new constitution was adopted in 1870. It is not likely, however, that another constitutional convention will be called in the near future. Effort will now be centered upon the attempt to obtain an easier method of amending the present constitution through legislative proposals.

CONSTITUTIONAL CHANGES SINCE 1818

Growth in length
of constitution

One of the outstanding features of the three constitutions of Illinois is the growth in length. The constitution of 1818 contains less than seven pages as printed in the *Illinois Blue Book* of 1919-20. The constitution of 1848 contained more detail and covers thirteen pages in the same publication. The constitution of 1870 is still more detailed and covers twenty-one pages as compared with the seven pages of our first constitution. Each new constitution has contained more of the details regarding the organization of government. The constitution of 1848 limited the annual salary of governor to \$1,500, that of circuit judges to \$1,000, and that of supreme court

judges to \$1,200. The constitutions of 1848 and 1870 prescribe at some length the organization of the courts and of local government, matters which were almost entirely untouched by the constitution of 1818.

What is a state constitution, and what is its relationship to the government of the state? A state constitution is a document somewhat permanent in its character, establishing the general organization and powers of the state government. The constitution should contain general provisions regarding the organization of government, and should place such limitations as are thought to be important and permanent upon the activities of that government. Our present constitution organizes state and local government in a great deal of detail, and places a mass of limitations upon the activities of that government, and particularly upon the activities of the legislative department, the one department for the establishment of new governmental policies. It lays down many rules as to matters which might more properly be attended to by a legislative body, meeting each two years; and also instructs the legislative body in many respects as to the things it shall do.

Purpose of a constitution

A constitution cannot be a permanent body of fundamental rules and also legislate as to matters of detail which are constantly changing with the growth of population and with the growth of industry in a state such as Illinois. During its history from 1818 to 1923, Illinois has had three constitutions. The last of these three has endured for more than fifty years with but seven slight changes. A constitution should not be lightly changed, but a constitution which contains numerous details which cannot easily change to meet changing

Details in constitution

conditions is sure to hamper the progress of the state. The General Assembly of Illinois, as organized by the constitution, has sessions each two years, for the purpose of meeting the changing needs of the state as they arise. A constitution should not seek, by covering numerous matters of temporary detail, to take the place of the legislative body which meets for this very purpose at frequent intervals.

Early amending
methods

If a constitution is lengthy and contains a great deal of temporary detail, it will hinder progress unless its terms are easy to change. The constitution of 1818 could be changed only by calling a constitutional convention. The constitution of 1848 could be changed either by calling a constitutional convention or by the proposal of amendments through the two houses of the General Assembly. In order to submit to the voters the question of calling a constitutional convention, or to propose an amendment by the General Assembly itself, two-thirds of the members of each house were required. An amendment proposed by two-thirds of the members at one session of the General Assembly had to be agreed to by a majority of the members of the next session of the General Assembly before it could be submitted to a popular vote.

Present amend-
ing method

The framers of the constitution of 1870 sought to make its amendment easier by providing that changes might be submitted by two-thirds of all members elected to each of the two houses at one session of the General Assembly. But they left in the constitution the requirement that the General Assembly should propose amendments to no more than one article of the constitution at the same session, and added a provision that amend-

ments to the same article should not be proposed oftener than once in four years. The requirement of (1) a two-thirds vote of all members elected to each house of the General Assembly, (2) coupled with the prohibition as to amending the same article, and (3) supplemented by the requirement of the constitution of 1870 that no amendment should be adopted except by a majority of the voters voting at the next election of members of the General Assembly, has made the present constitution substantially impossible of change by legislative proposal.

The other possible method of changing the constitution of 1870 involves the calling of a constitutional convention. The assembling of a constitutional convention requires (1) a two-thirds vote of all the members elected to both houses, (2) the vote of a majority at the next general election favoring a convention, (3) the election of delegates who are to assemble, and to submit their work back to the people at either a general or a special election, and (4) a vote of the majority of the voters voting at such an election. This procedure is cumbersome and expensive, and adds to the growing burden of elections.

Change by
constitutional
convention

If the constitution of Illinois is to continue a complex and detailed document, simpler methods of proposing amendments to it must be made, or such a constitution will necessarily hamper the progress of the state. Should it be possible, however, to return to the plan of a simple and short constitution, containing only matters of permanent and fundamental importance, an easier method of change is not so important.

Simpler amend-
ment necessary

In addition to the change in length and character of the constitution of Illinois since 1818, changes have taken

Reduction of
legislative power

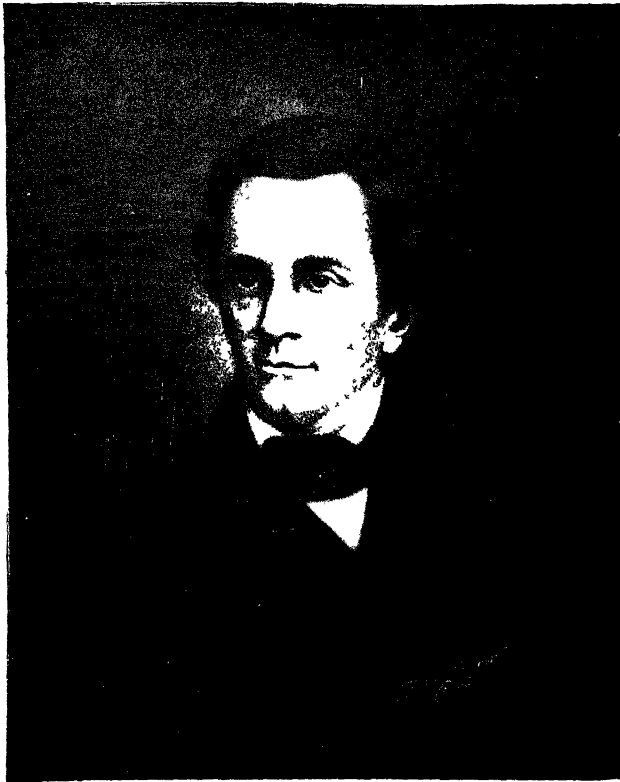
place in the powers exercised by the General Assembly. The constitution of 1818 gave substantially complete power to the General Assembly. This substantially complete power was exercised by the General Assembly in such a manner as to cause grave dissatisfaction, although many of the things done by the members of the General Assembly were things which at the time were demanded of them by the people of the state. This dissatisfaction led to a reduction in the power of the legislature. The succeeding paragraphs enumerate the particular ways in which the General Assembly has lost power.

Banking

The constitution of 1818 expressly authorized the General Assembly to establish a state bank. The General Assembly did establish state banks, one in 1821, and another in 1835. Both were failures and resulted in serious financial loss to the state. The constitution of 1848 expressly prohibited the creation of a state bank, and required that laws authorizing the formation of banks should be submitted to popular vote before coming into effect. The constitution of 1870 contains similar, but more detailed and more stringent provisions.

State debt

The constitution of 1818 placed no limitations upon the power of the state to contract debts. Before 1848 the state embarked upon extensive schemes for the construction of internal improvements. One of these projects, the Illinois and Michigan Canal, was successful. The state's plan for building a great system of railroads, however, not only proved a failure but brought the state to the verge of bankruptcy. In 1837 the General Assembly appropriated \$10,000,000 for the purpose of constructing railroads and other internal



THOMAS FORD, GOVERNOR, 1842-46
(Plate owned by the Illinois State Historical Library)

improvements. After constructing about 50 miles of railroads the project was abandoned in 1840. The net result was a heavy increase in the state's indebtedness. Only through the intelligent leadership of Governor Ford, who came into office in 1842, was the state prevented from repudiating its indebtedness. The constitution of 1848 contained strict prohibitions against the state's contracting indebtedness or against its lending its credit, and no debt in excess of \$50,000 could be contracted unless a law authorizing it was approved by the people of the state. The constitution of 1870 contains a similar provision, with the amount raised to \$250,000.

The constitution of 1848 imposed no limitations upon the powers of cities, counties, and other local subdivisions of the state to contract indebtedness. The state, however, was excluded from entering upon projects of railroad building or from lending its credit for this purpose. The General Assembly was naturally besought therefore by the various communities of the state to authorize them to aid in the construction of railroads and other improvements. With the approval of the General Assembly, counties, cities, and towns issued bonds and invested in the capital stock of various railroad corporations. A great number of such corporations came into existence, and each one solicited subscriptions from the counties, cities, or towns through which it proposed to operate. The great majority of these railroad enterprises came to grief. In some cases the proposed railroads were never constructed. The result was that cities, counties, and towns were saddled with a heavy, bonded indebtedness, for which in many cases they had received no benefit. The constitution of 1870 placed a limitation

Local debts

upon the indebtedness which municipal corporations may incur, and limited the taxing power of counties.

Local and special
legislation

Under the constitution of 1818 the General Assembly was in no way restricted from passing laws dealing especially with individuals or with particular parts of the state. The period from 1818 to 1848 was for this reason a period during which masses of special legislation were enacted. The constitution of 1848, therefore, contained some provisions prohibiting special legislation, and some others limiting the method of enacting special laws. These limitations did not prove very restrictive, however, and special legislation became an even more serious evil during the period from 1848 to 1870. At the legislative session of 1869, 1,573 laws were passed of which 1,188 were special laws requiring four volumes and covering 3,435 pages. The constitution of 1870 contains a detailed enumeration of subjects upon which special legislation is prohibited, and practically stopped for Illinois the evil of special legislation.

Governor's veto

The increase in the governor's veto power constitutes another important respect in which legislative power has been reduced. By the constitution of 1818 a council of revision was established, composed of the governor and of the judges of the Supreme Court. Every bill passed by the two houses of the General Assembly was submitted to this council, and if they disapproved of it, could be again passed by a mere majority of the two houses. The constitution of 1848 abolished the council of revision and placed the veto power in the hands of the governor alone. However, his veto could still be overcome by a mere majority of the members elected to the two houses of the General Assembly. In 1869 Governor

Palmer sought to stop the great flood of special laws through the use of the veto, but seventeen bills were passed over his disapproval. The governor's power over legislation, however, was increased in 1848 because he alone had the power of veto. By the terms of the constitution of 1870 the veto power is vested in the governor alone, and no bill vetoed by him can become law except by a vote of two-thirds of the members elected to both houses of the General Assembly. It is a difficult matter to get a two-thirds vote in each house, and of the 405 bills vetoed between 1870 and 1917 only two were passed over the governor's disapproval.

A still further extension of the governor's power over Veto of items legislation was deemed desirable. Under the terms of the constitution of 1870, if an appropriation bill containing several hundred distinct appropriations was presented to the governor, he must approve the bill as a whole or disapprove it as a whole. An amendment to the constitution adopted in 1884 requires the General Assembly to itemize all appropriations, and authorizes the governor to veto items. Since 1884, when the governor receives an appropriation bill from the two houses containing a number of items, he may disapprove those which he thinks should not be made and approve the remainder of the bill.

In another respect the power of the General Assembly Appointment
to office has decreased since 1818. Under the constitution of 1818, the two houses themselves might make numerous appointments to office, and they actually did make such appointments. The making of such appointments by the two houses soon proved unsatisfactory, and the framers of the constitutions of 1848 and 1870 made the

important state officers elective by popular vote. Not only this, but they enormously increased the number of locally elective officers. While, however, making the more important state officers elective by popular vote, the constitutions of 1848 and 1870 provided expressly that in the creation of new offices, power to appoint to such offices might be vested in the governor. Through the legislative creation of new offices appointive by the governor the power of the governor has been greatly increased, and that of the legislature decreased.

New counties
and county seats

By 1859 the whole group of present counties came into existence in this state. Before 1848 local quarrels and difficulties had begun to develop with respect to the creation of new counties and perhaps more particularly with respect to the location of county seats. The constitution of 1848 for this reason contained express limitations upon the creation of new counties, and restrictions upon votes to change county seats. These restrictions will also be found in the constitution of 1870, and with respect to county seats they were materially strengthened in 1870. The people of any county who have been through a contest for the changing of the county seat will realize the wisdom of restrictions with respect to this matter.

Township
system

Another constitutional change since 1818 has to do with the organization of county government. When the state was first established its population lived mainly in the southern part and had in the main come from states farther to the south, where the county formed the chief unit of local government. The northern part of the state was largely settled by people who had come under the influence of the local government organizations of New

England or New York. For this reason we find in the constitution of 1848 a requirement that the General Assembly shall provide for the township organization, under which any county may organize whenever a majority of the voters of such a county at a general election should so determine. In obedience to this constitutional command the General Assembly in 1849 enacted legislation for the optional adoption by counties of a township system of government. Under legislation enacted in 1849 and since that time, eighty-five of the counties of the state have adopted the township system. The constitution of 1870 contains similar provisions regarding the township system.

One important constitutional development has taken place in this and other states without changing the texts of constitutions. The courts have in this country gained the power to declare legislative acts unconstitutional. For example, the constitution says that no municipal corporation may incur a debt in excess of 5 per cent of the value of its property for taxation. If the General Assembly authorizes a municipal debt in excess of 5 per cent, the courts will say that this authorization is of no effect because in violation of the constitution. The Supreme Court of Illinois each year declares a number of legislative acts unconstitutional.

Courts declare
laws unconstitutional

STATUTORY AND OTHER CHANGES

It should not be understood that all of the important governmental changes in Illinois have been brought about by constitutional provisions. In fact, it may be said that most of the constitutional provisions regarding details of state and local government, to be found in the

Statutes taken
over into constitution

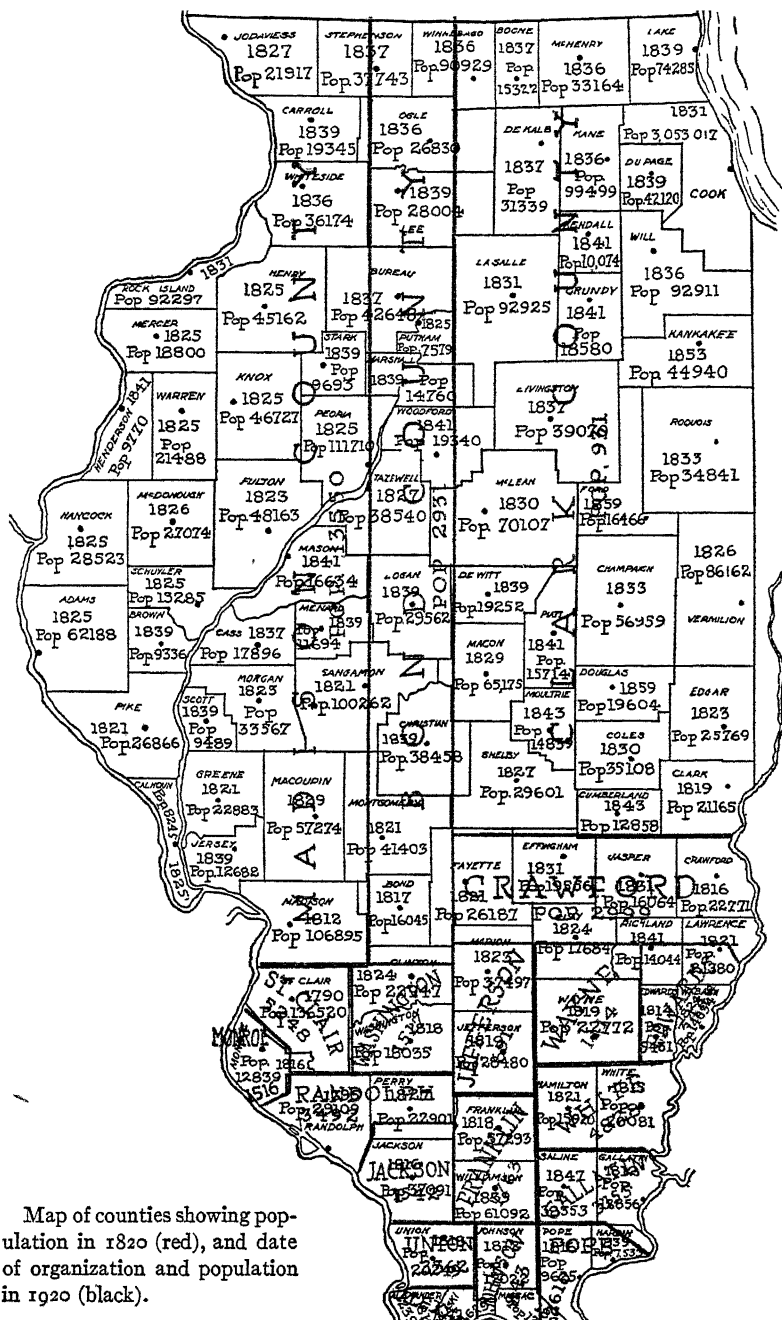
constitutions of 1848 and 1870, could before these dates have been found in laws passed by the General Assembly of Illinois. Much of the detail found in the second and third constitutions of Illinois was taken over from acts of the General Assembly and placed in the constitution because the provisions of legislative acts existing in 1848 and 1870 were thought to be suitable as permanent provisions of government.

Creation of local
areas

Many changes have taken place merely by statute during the period since 1818, without being greatly reflected in the text of the three constitutions. One of the most important developments in the government of the state of Illinois has been that with respect to local governments. The 15 counties of 1818 had expanded by 1859 to 102. In 1818 there were no cities in Illinois, but by 1910 there were more than 1,100 cities, villages, and incorporated towns. Not only this, but under legislation enacted partly in obedience to constitutional commands and partly without reference to such commands, a great number of local governing areas have been established covering the whole territory of the state.

Chicago and
Cook County

Population has so adjusted itself that Cook County has nearly one-half of the population of the state, and that most of this population is within the city of Chicago. Illinois is unfortunate in this balancing of population. Most of the other states which have great cities have some balancing of city population in different parts of the state, so that there is not the possibility of a conflict between one great city and the remainder of the state. From the standpoint both of Chicago and of the portion of the state outside of Cook County, it is to be hoped



that other great industrial areas may be built up in Illinois in such a manner as to balance Chicago.

One of the other chief governmental developments in the state of Illinois is that of the publicly supported school system. This is so important that it should be referred to in a general discussion such as this, although it is fully discussed in chapter xiii.

Kaskaskia was the first capital of Illinois, and here the state government was set up. It is curious that the first capital of the great state of Illinois should have ceased to exist. With the shifting northward of population, Kaskaskia was not a satisfactory location for the new state capital, and the constitution of 1818 provided that a petition should be made to Congress for a grant of land on the Kaskaskia River somewhat nearer the center of the state, on which might be built a new seat of government. Congress granted this petition, and commissioners appointed by the General Assembly selected the site on which Vandalia was afterward built. Vandalia became the state capital in 1820. The population of the state continued to shift northward, and in 1837 legislation was enacted for a removal of the capital to its present site at Springfield. The change of capitals was actually made in 1839, and the old capitol building at Springfield now serves as the courthouse of Sangamon County. An appropriation was made by the General Assembly in 1919 for the purchase and preservation of the former capitol building at Vandalia.

The capital fills an important place in the political life of the state. There the governor and the chief elective officers of the state exercise their authority. There the Supreme Court has met for all of its work

since 1897. There the General Assembly meets in biennial session, and enacts laws which control the political, economic, and social life of the state

Increase in state
activities

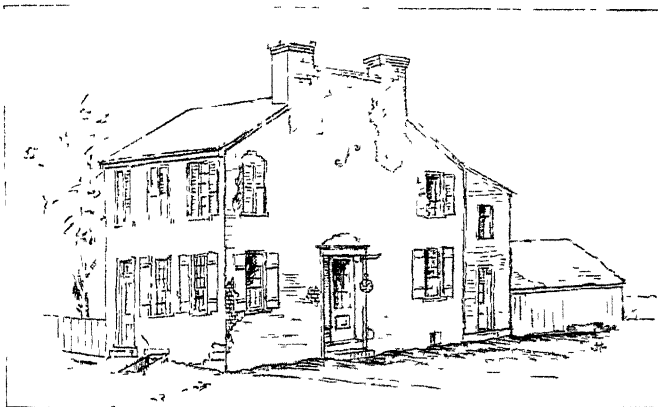
Perhaps the most important development in Illinois has been the increase in the number of things done by government. With the increase in the things done by government has come the enormously increased complexity of local government, and the great growth of the administrative organization of the state. Most of this increase has come since 1870 and the greater part of it in the past twenty-five years. The state of Illinois when first created spent for all of its activities over a two-year period only about \$100,000, whereas legislative appropriations for the two years, 1921-23, total about \$170,000,000. Originally the activities of state government could be performed by a small number of elective or appointive state officers, each with a few subordinates. In 1921 the state had about 10,000 officers and employees, with an annual pay-roll of nearly \$14,000,000.

Multiplication
of state offices

As each new need for state action became apparent, the General Assembly passed laws for the establishment of some new function of state government. Usually when some new activity needed to be undertaken by the state government, a new office was created independent of other offices except that the appointment of the head of the new office was usually vested in the governor. As new offices multiplied, the administrative organization of the state government became more and more complex. When a new activity was somewhat closely related to an activity which had previously been created, a new office was often established with functions which conflicted with those of an old office. In this manner there came



PRESENT STATE CAPITOL BUILDING



BUILDING IN WHICH THE TERRITORIAL LEGISLATURE
FIRST MET AT KASKASKIA

(Drawing owned by the Chicago Historical Society)

to be built up a great number of independent offices, boards, and commissions. As the need developed for each new state charitable, penal, or educational institution, a board was established for the management of each institution. To some extent a supervision over these boards was exercised by general state authority, but not until 1909 was a long step taken toward a central management of all state charitable institutions. In 1909 a board of administration was created, and in its charge was placed the detailed supervision and control of eighteen previously separate charitable institutions. Even after this consolidation of the control of eighteen state institutions, there remained more than 100 separate and distinct boards, commissions, and offices. Each of these had been created without much reference to the others. In connection with labor activities other than mining, at least six offices had been created, each to handle some particular part of the state's activities with respect to labor, and each conflicting to some extent with the other five.

The longest step ever taken by statute in Illinois (and perhaps in any American state) toward better organization of state government was taken in 1917 by the passage of the law termed the Civil Administrative Code. By this law the more than 100 boards, commissions, and institutions were grouped into nine great departments, each department under the control of a director appointed by and responsible to the governor. A full discussion of the administrative organization of Illinois appears in chapter viii, but in any account of the history of the government of Illinois it is necessary to give a high place to the Civil Administrative

Administrative
organization
simplified

Code of 1917. Another important piece of legislation having to do with governmental organization is that of 1919 abolishing the state board of equalization of twenty-five members, and vesting larger powers with respect to tax matters in a small tax commission.

Commercial and
industrial growth

Back of all the constitutional and other governmental changes which have taken place since the first settlement of Illinois is the development of the state in population, commerce, and industry. Government is an agency of the people, and changes in the organization and activities of government come as a result of the new conditions and new needs of its people. The growth of Chicago into the second largest city of the country, and the development of Illinois into one of the greatest states of the Union in agriculture, mining, and industry, are the real influences which have brought about changes in constitutions and laws. Transportation has had a direct influence upon the organization and conduct of government. When Illinois was admitted to statehood, a trip from its southern to its northern limits would have required weeks of arduous travel; and until the development of railroad facilities, a visit to the state capital was regarded by most of the people of the state in much the manner in which we now regard a trip to some remote quarter of the world.

REFERENCES

A good account of the history of government in Illinois will be found in E. B. Greene, *The Government of Illinois*. New York: Macmillan Company, 1904.

In the several volumes of the *Centennial History of Illinois* will be found chapters on the several state constitutions.

The best brief account of Illinois constitutional history will be found in chapter i of a pamphlet issued by the Legislative Reference

Bureau, entitled "Constitutional Conventions in Illinois," second edition, Springfield, 1919.

A complete review of all of the decisions of the Supreme Court of Illinois, interpreting the constitution of 1870, will be found in a volume issued by the Legislative Reference Bureau, entitled *Constitution of the State of Illinois, Annotated*, Springfield, 1919.

STUDY QUESTIONS

1. Analyze the Ordinance of 1787.
2. Analyze the constitution of 1870.
3. Trace the history of your county boundaries and county seat. For county boundaries get from the secretary of state, Springfield, copies of a pamphlet entitled *Counties in Illinois, Their Origin and Evolution*.
4. Trace the history of state capitals in Illinois.
5. What in detail are the methods of changing the constitution of Illinois? Get from the Legislative Reference Bureau, Springfield, *Constitutional Convention Bulletin No 3*, on *The Amending Article of the Constitution*.

CHAPTER IV

HOW WE VOTE

THE TASK OF THE VOTER

The voter an
officer of
government

Through elections the voter determines or should determine what officers are to carry on government and what are to be the general policies of government. In going to the polling place on the day of election the voter is in reality acting as an officer of government, for he is performing an official duty essential to the operation of popular government. Upon the proper performance of his duty depends the effectiveness with which government is conducted.

Increased work
of voter

In the development of popular government in this country, the tendency has been to multiply the number of officers to be voted for directly by the people, and also to multiply the number of questions submitted for the direct expression of popular opinion. In the early history of Illinois under the constitution of 1818, many officers were appointed by the General Assembly, but this plan did not work satisfactorily. In a reaction from this unsatisfactory plan, the constitution of 1848 adopted the plan of making substantially all state and local officers elective. This plan has been continued by the constitution of 1870.

Governor's
appointing power

With the growth of governmental business, however, it would be out of the question to try to elect by popular vote all of the even more important employees or officers of state and local government. The only officers of the

state executive organization who are now elected by popular vote are: governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, attorney-general, and superintendent of public instruction. There are many officers of the state government who perform services just as important as those performed by some of these elective officers. The director of public welfare, for example, is appointed by the governor, and is responsible during the two years 1921-23 for the expenditure of more than \$20,000,000, whereas the six elected state officers other than the governor will be responsible altogether for the expenditure of less than \$5,000,000. To attempt to elect 10,000 state officers and employees by popular vote would, of course, impress everyone as foolish. And to attempt to elect even all of the important officers of the state executive department would be equally foolish. It is for this reason that in the state governmental organization the more recent tendency has been to increase the appointing power of the governor and to enlarge at the same time his power of effective supervision over the departments whose heads he appoints.

The voters, however, not only elect certain state officers but also a whole group of other officers as well. List of elective officers
A list of officers elected by popular vote in this state is given below:

Elected at large:

Presidential electors (29)

Governor

Lieutenant-governor

Secretary of state

Auditor of public accounts

Treasurer
Superintendent of public instruction
Attorney-general
Clerk of Supreme Court
Trustees of the University of Illinois (9)
United States senators (2)
Representatives in Congress at large (2)

Elected by districts:

Judges of the Supreme Court (7)
Clerks of appellate courts
Circuit judges
Representatives in Congress (25)
State senators (51 in all)
Representatives (153 in all)

County officers:

State's attorney
County judge
County clerk
Clerk of Circuit Court
Sheriff
Treasurer
County superintendent of schools
Surveyor
Probate judge (in counties over 70,000)
Clerk of Probate Court (in counties over 70,000)
Recorder (in counties over 60,000)
County auditors (in counties between 75,000 and 300,000)
County commissioners (in counties not under township organization and in Cook County)

Civil towns:

Supervisor (also assistant supervisors in larger towns)
Town clerk
Assessor
Justices of the peace
Highway commissioner
Constables

City officers (under Cities and Villages Act).

Mayor

City clerk

City treasurer

Judge of City Court (in some cities)

Aldermen

City officers under commission government

Five commissioners

Village officers:

Trustees

Clerk

Police magistrates

School officers:

School trustees

School directors or members of boards of education

Township boards of education (high-school districts)

In addition to those enumerated above there are, in many parts of the state, sanitary district trustees, park district trustees, library directors, and some other types of officers who are to be voted for in elections. For Cook County twenty circuit court judges and twenty-eight superior court judges are elected for six-year terms, besides members of the Board of Assessors, Board of Review, and some other additional officers. Within the city of Chicago there are thirty-seven municipal court judges elected for six-year terms. At the November election of 1916 each male voter in Chicago was expected to vote for 71 different officers, and in November, 1918, for 55. There is now no distinction between men and women voters, and both men and women vote for the same officers. Within the city of Chicago each voter is expected in a brief series of years to vote for at least

Other elective
officers

178 different officials, and in Cook County outside of Chicago there are nearly as many officers to be elected. While the number of elective officers outside of Chicago and Cook County is not so large, still the list is a long one.

Variation in
number of elec-
tive officers

No list of officers to be chosen by popular vote applies completely to all parts of the state. Each student of government should prepare a list of elections which take place within the territory in which he lives and of the officers for whom he is to vote at such elections. It will also be helpful to obtain a list of the questions submitted during the preceding year to a popular vote in any community.

Number of
elections

Not all of the officers are, of course, elected at the same time. The state constitution provides for general elections in November of each even-numbered year. At these general elections the voters choose various national, state, and local officers. The more spectacular of these elections is the presidential election, coming each fourth year. At this time the choice of presidential electors overshadows that of all other candidates, and in large measure determines their fate. Even the choice of governor is no exception. For the choice of supreme and circuit court judges the constitution requires a separate election in June. By legislation other dates are provided for various municipal, school, and other elections. Primary elections are provided by law for party nomination of candidates to be voted for in most of these elections. It will therefore be seen that the voter is often called upon to take part in a number of elections during the course of a single year. For the year 1922 there were held in Chicago and Cook County four separate elections.

A list of elections taking place in Chicago during the four-year period, 1918-22, follows:

- 1918 City Primaries in February
City Election in April
General Primaries in September
General Election in November
- 1919 City Primaries in February
City Election in April
Primaries in September (for nomination of delegates to Constitutional Convention)
Election in November (for choosing delegates to Constitutional Convention)
- 1920 City Election in February for Aldermen
Supplemental Elections for Aldermen in April (first Tuesday). (Elections in some parts of the city on the same day for choosing small-park district commissioners)
Presidential Primaries in April (second Tuesday)
General Primaries in September
General Election in November
- 1921 Aldermanic Elections in February (also city primaries for nomination of candidates for city clerk and treasurer)
City Election in April (for choosing city clerk and city treasurer; supplemental elections for aldermen on same day)
Judicial Election in June (for choosing twenty circuit court judges and one superior court judge)
- 1922 Separate Elections in Some Parts of City (for choosing small-park district commissioners)
General Primaries in April
Judicial Election in June (for choosing six superior court judges)
General Election in November

In view of the great number of elections held in every part of this state, the proposal was made in the Constitutional Convention of 1920-22 that provision be made for but one election each year. Under this plan, which

Proposal for one annual election

was approved by the convention for the part of the state outside Cook County, all regular elections would have been held on the first Tuesday after the first Monday in November in each year. This would amount to a consolidation of numerous elections, and would reduce the number of primary elections, because the only time when it would be necessary to nominate candidates would be before the general election each year. However, this plan did not contemplate the reduction in the number of officers to be voted for. We now have a large number of officers to be voted for at the November elections each two years, and a lesser number to be voted for at the elections held at other times. If we had a single election each year, all of the officers now voted for would be chosen at these November elections each year, and the number to be voted for at each election would thus be larger than at present.

Voting upon
questions

In addition to the officers for whom we vote, we have at almost every election in Chicago, and frequently at elections in other parts of the state, questions submitted for popular approval. In cities, villages, and incorporated towns, every proposal for a bond issue must receive the approval of the voters before bonds can be issued. The voters of the state must approve every amendment to the banking laws of the state adopted by the General Assembly. If the state wishes to borrow a sum of money in excess of \$250,000 this also must be submitted to popular approval. Any change in the constitution must also be submitted to a popular vote. These are but samples of questions of either a state-wide or a local character which may be submitted to the voter for his approval or disapproval at elections.

In Illinois a public-policy law was passed in 1901. By the terms of this law 10 per cent of the voters of the state (and a larger percentage of the voters in governing areas within the state) may by petition require the submission to popular vote of questions of public policy. The light wine and beer proposition was submitted to the voters of the state under the terms of this law at the November election, 1922. Such public-policy votes have no legal effect but merely constitute an expression of opinion which may influence the General Assembly and local governing bodies.

In its state government Illinois does not have the initiative, referendum, and recall, though a state-wide referendum is required on banking laws, proposals to incur state debts, and constitutional amendments. These institutions are provided by law for cities which have adopted the commission form of government. By the term "initiative" is meant the power to propose legislation by popular petition. By "referendum" is meant the popular vote upon legislative measures before such measures come into effect. The "recall" is in reality a special election to determine whether an officer shall serve the full term for which he has been elected. In the cities that have adopted the commission form of government, ordinances may be initiated by petition of 25 per cent of the voters of the city. In most cases, 10 per cent of the voters of the city may by petition require that ordinances passed by the council be submitted to a popular referendum before coming into effect. Members of the commission are elected for a four-year term in such cities, but 55 per cent of the voters may by a recall petition require that an election be held during

Public-policy
law

The initiative,
referendum, and
recall

the four-year term to determine whether such persons shall remain in office or be replaced by others before the expiration of their regular terms. Occasionally, commission-governed cities have made use of the initiative and referendum. The size of the recall petition is such as to prevent the use of the recall in these cities.

Variations in
ballots

The frequency of elections and the number of questions submitted determine the number and size of the ballot. The ballots at certain local elections are oftentimes short and may be voted without much difficulty. The ballots for the presidential elections are the longest ones to be used, and next in length are the ballots for other November elections. The length of ballots varies not only for the different elections but also for different parts of the state.

Difficulties of
long ballot

The list of elective officers for any particular type of government (such as the state, the county, or the city) is of itself not so long. But the combination of all these lists necessarily results in a long ballot, which is still further lengthened by questions submitted to popular vote. Provision for several ballots at the same election does not lessen the work of the voter, nor does the multiplication of elections. We see how enormous is the task of the conscientious voter when we remember that he is often called upon at a single election to choose fifty or more officers from among at least twice that number of candidates, and at the same time is asked to express his judgment upon several questions of governmental policy. To obtain information upon the basis of which to perform wisely this important duty involves much labor and expenditure of time. Even with the aid of civic organizations, whose work it is to supply

information regarding various candidates and questions, the present task of the voter is too great. Who of us can now name all the candidates for whom we voted in the last general election?

WHO MAY VOTE

The constitution of Illinois contains a provision as to who may vote in this state. It provides these qualifications: (1) that a person be a male; (2) citizenship either by birth or naturalization; (3) the age of twenty-one years; (4) residence in state one year, (5) residence in county ninety days and in the election district thirty days next preceding the election.

The voter's
qualifications

These qualifications are found in the constitution of 1870. By the terms of the constitution of 1848 only white male citizens were permitted to vote. The Fifteenth Amendment to the Constitution of the United States, adopted in 1870, forbade the states making any discrimination in the right to vote on account of race, color, or previous condition of servitude. The constitution of 1870 removed the word "white" from the constitution, and thereby removed the possibility of conflict between the state constitution and the Constitution of the United States. If the state constitution had not been changed this would have made no difference, because the federal Constitution is superior to and replaces the state constitution in case of conflict.

Constitutional
change in
suffrage

The Illinois constitution of 1870 by its terms limits the right to vote to male citizens. The Supreme Court of Illinois held that this limitation of the right to vote to male citizens related only to matters upon which voting took place by virtue of the terms of the constitution of

Woman suffrage

the state, and that the General Assembly might extend the right to vote to women upon other matters. In 1891 the Illinois General Assembly gave women the right to vote in connection with school matters. In 1913 legislation was passed giving women the right to vote in city elections, and for practically all other officers not provided for by the constitution of the state. For example, women voted for presidential electors in Illinois at the election of 1916. An amendment to the Constitution of the United States was proposed by the Congress of the United States on June 4, 1919, and was adopted in 1920, providing that: "The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." The constitution of Illinois still contains a provision limiting the right to vote to males, but this provision in the state constitution has been overcome by the superior authority of the Nineteenth Amendment to the Constitution of the United States. Not only in Illinois but in every other state of this country, women now have the same right to vote as men. In the general election of 1920, more than 2,000,000 votes were cast in Illinois, of which nearly 800,000 were cast by women.

Citizenship

Citizenship is a qualification for voting, and is acquired either by birth in the United States or by naturalization. The subject of naturalization is completely under the authority of the United States government, and Congress has passed laws prescribing the conditions under which an alien may become naturalized. Under the census of 1920 there were in Illinois more than 600,000 naturalized persons, and more than 400,000 unnaturalized aliens.

In order to become naturalized, an alien after reaching the age of eighteen years must declare in court under certain conditions prescribed by national law his intention to become a citizen of the United States. Not less than two years, nor more than seven years, after he has made this declaration of intention, he is required to file a petition giving detailed information about himself. He must show by affidavits that he has resided within the United States for a period of at least five years. No alien is now permitted to be naturalized unless he can speak the English language. Naturalization of the alien naturalizes his children who are under the age of twenty-one years at the time of the naturalization of their parents. Until recently the wife became a citizen as the result of the naturalization of her husband. By an act of Congress passed September 22, 1922, this rule has been changed and the wife must take steps for separate naturalization. The law makes it relatively easy for the wife to acquire American citizenship, if her husband is naturalized.

Naturalization

The qualification of age is a simple one and little need be said about it. It may, however, be noted as an interesting legal fact that a person becomes of age on the day before his twenty-first birthday.

Age

In order to prevent frauds in elections, legislation in Illinois and in practically all of the other states of the country has set up machinery for the registration of voters before the election actually takes place. There are two laws in this state relating to registration and the conduct of elections. One of these is what is termed the City Election Act, and the other law is applicable to parts of the state that have not adopted the city election law.

Registration

Registration
under the City
Election Act

The City Election Act may be adopted by a city upon popular vote, and has actually been adopted by the city of Chicago, the incorporated town of Cicero, the village of Summit, the city of Chicago Heights, and by a number of the other larger cities of the state. Under this act a board of election commissioners of three members (at least one from each of the two leading parties) is appointed by the county judge, and has control of the election machinery within the city which has adopted the act. This board of election commissioners conducts registrations, giving an opportunity for the registration of voters within each precinct at certain periods preceding each election.

General
registrations

General registrations are provided once each two years before congressional elections. A qualified person may register either on the Saturday preceding the Tuesday four weeks before the election, or on Tuesday three weeks before the election. At these general registrations, all voters must register anew on one or the other of the two days, irrespective of former registrations.

Absent
registration

If it is physically impossible to register in person the voter may, during the interval between the first and second registration days, apply to the board of election commissioners, either in person or through another, for certain papers. Upon filling out these papers properly and returning them by noon prior to the second registration day, the voter may obtain registration. But the law presumes that registration is an act to be performed in person and the exception to this rule is only for cases of extreme emergency.

Intermediate
registrations

For lesser elections, intermediate registrations are provided for on Tuesday, three weeks before the elec-

tion. No one is permitted to vote without registration in a city which has adopted the City Election Act, except at special elections in a portion of such city only, or which are to fill a vacancy occurring in a single office, and at judicial elections at which no officers other than judicial officers are to be elected. At such elections the legal voter is entitled to vote, under certain conditions, by filing an affidavit of his own, supported by an affidavit of a registered voter and householder of the precinct in which he is seeking to vote.

In portions of the state where the City Election Act has not been adopted (and this means practically all of the state outside of a few cities), provision is made for the registration of voters in a manner similar to that provided by the City Election Act. But a voter who is not registered is still entitled to vote under certain conditions. The law provides that, although unregistered, he may vote if he presents an affidavit that he is qualified, supported by an affidavit of a householder and registered voter of the district. As a matter of fact, the election officials know the voters in smaller communities, and affidavits are usually not required unless a person's right to vote is challenged. In the larger cities the voters cannot know one another personally and a strict system of preliminary registration is necessary to prevent fraud. Such strictness is not so necessary in the smaller communities and is therefore not required.

Voters not under
City Election
Act

MACHINERY OF ELECTIONS

The areas for which public officers are elected vary somewhat for different parts of the state. These areas have all been outlined in chapter ii. For purposes of

Election
precincts

registration and voting the state is divided into small areas termed "election precincts " In counties not under the City Election Act, election precincts are established by the county board, and are to contain not less than 500 nor more than 800 voters. In cities under the City Election Act the election commissioners establish precincts, which contain as nearly 400 voters as possible and not over 600

Polling places

Within each of these precincts is a polling place, where the votes are actually cast Judges and clerks of election, who conduct registrations and elections within the precincts, are appointed by the election commissioners in cities under the City Election Act. Judges of election are appointed by the county board for the other parts of the state, and the judges choose the clerks. The two chief parties are entitled to representation among these officers, who actually receive the ballots of the voters. The polling places are in buildings which are available, and which can be rented for that purpose. In some states and countries schoolhouses are used for this purpose. There are three judges and two clerks of election in cities under the City Election Act, and three judges and three clerks elsewhere. These officers actually conduct the voting.

Printing of
ballots

Before 1891 each political party printed its own ballot. Since 1891 ballots have been printed at public expense, and are furnished to each voter by the election officials. The expense of printing the ballots for general elections is borne by the county, and the printing of such ballots for general elections is handled by the county clerk except in cities under the City Election Act. There the board of election commissioners has charge of this work. The city, town, or village clerk has charge of

the printing of ballots for city elections; and the town clerk in counties under the township organization has charge of and furnishes ballots for civil town elections. Specimen ballots are printed and posted in the election precincts at least five days prior to an election. Voters should obtain copies of specimen ballots and determine how they will vote before going to the polls. These ballots are different in color from the regular ones and are prepared for the information of the voter.

A general election ballot for the election of November, 1920, is given here in facsimile. At that election the women of Illinois enjoyed for the first time complete equality of voting rights. But separate ballots were still required for men and women. In 1921 this distinction was abolished by law. Since 1899 all questions to be voted upon by the people have been printed upon a separate ballot, which has acquired the name of "little ballot," although this ballot ceases to be little if many questions appear upon it. A separate ballot is required for all candidates for judges of courts of record in cities having a population of more than 200,000. It is not uncommon in the city of Chicago for a voter to be handed three ballots by the election officials, one a general candidate ballot, a second for questions, and a third for certain judicial candidates who are to be voted for at the same time. In fact, the voter sometimes receives four or five ballots. At the election of November, 1922, four ballots were used in Chicago, the additional one relating to a proposed bond issue for the soldiers' bonus.

From the facsimile of the general ballot for November, 1920, it will be seen that the candidates of each party appear in a separate column. All of those appearing in

Number of
ballots

The Illinois
ballot

any one column of this ballot may be voted for by marking a cross in the circle at the top of the column. This was not the plan in Australia, from which the people of Illinois copied the plan of an officially printed ballot. In Australia, and in some states of this country (as Massachusetts), which have more nearly copied the Australian plan, the ballot is so printed as to group together all candidates for the same office. For example, all candidates for governor are printed in a group, and each voter has to vote separately for the candidate for each office. The form of the ballot in Illinois encourages what is termed "straight party voting." This consists of merely placing a cross in the circle at the top of the party column. In doing this the voter has voted for all the candidates in that party column, whether he knows or approves of all of them or not.

The voter at
the polls

When a voter comes into a polling place the following procedure is employed. The voter gives his name, and if required to do so his residence, to the judges of election, one of whom thereupon repeats it in a loud tone. If the name is found on the register of voters, the officer in charge of the register repeats the name. One of the judges then gives a ballot to the voter, the judge first putting his initials on the outside of the ballot in such a manner that the initials may be seen when the ballot is folded. The voter then enters a small booth and secretly marks his ballot, unless he is physically disqualified, or cannot read, in which case he may have assistance. He folds the ballot before leaving the booth, and then places it in the ballot-box.

Marking the
candidate ballot

A voter may vote the candidate ballot (sample shown facing this page) in one of two ways. Either he may vote

a "straight party ticket" or he may "split his ticket." There are two ways to "split a ticket," one way being much safer and surer of its result. The safer way for the voter to "split his ticket" is to disregard the party circle and mark a cross in the square in front of each candidate of his choice. The voter must be careful not to vote for more candidates than are to be chosen for any one office. To do so will destroy his vote for that office. The less safe way to "split the ticket" is to use the party circle. By this method the voter puts a cross in the circle of the party in which he wishes to do most of his voting. Then he must put a cross in the square in front of each candidate for whom he wishes to vote in other party columns. Where more than one officer is to be chosen, he must mark each one separately, if he is splitting his ticket for that office. Every voter should get a specimen ballot before going to the polls and decide for whom he wishes to vote, and the manner in which he will do so. At each polling place will be found posted a card of instructions to voters, and the voter should read these instructions if he is not altogether sure of his method of voting.

Each question ballot has the words "yes" and "no" printed to the right of the question with a square opposite each of these words. The voter should put a cross in the square to the right of the word indicating his desire.

Marking the
question ballot

In marking the ballots due care should be exercised in placing the crosses so that the lines intersect within the squares. Each cross so placed counts one vote for the candidate. The only exception to this is that of electing representatives to the General Assembly. The

Correct marking
of ballots

voter is permitted to place no marks upon the ballot other than the crosses in the squares in front of the candidates for whom he has voted or in the party circle. To do otherwise renders the ballot invalid.

Cumulative
voting

In elections in this state the voter usually has one vote to cast for each officer to be elected. For members of the House of Representatives of the state of Illinois, however, there exists the so-called plan of cumulative voting. For election to the General Assembly the state is divided into fifty-one senatorial districts. From each senatorial district one senator and three representatives are elected. Each voter has one vote for senator and three votes for representatives. Under the cumulative plan of voting, the voter may distribute his three votes for representatives in any way that he sees fit. He may cast one for each of three candidates, or three votes for one candidate, or one and one-half votes each for two candidates; or, if he cares to do so, may even cast two votes for one candidate and one vote for another, although no very satisfactory provision is made for marking or counting the ballot in such a case. A voter is hardly apt to cast two votes for one candidate and one vote for another, because by doing so he is not making the most effective use of his voting power on behalf of the candidates whom he favors.

Absent voting

In many cases a voter will find it highly inconvenient to be at the place where he is entitled to vote on the day of election. By legislation in Illinois in 1917, amended in 1919, a voter expecting to be away on the day of election may make an application for a ballot, and, by complying with certain conditions, may vote and have his ballot properly counted along with the ballots of

those who have actually voted at the polling places. This method of voting is termed "absent voting."

In cities under the City Election Act, each political party has a right to designate and keep a challenger at each place of registration and at each polling place. This challenger is assigned a position inside the registration place or polling place. He not only has a right to challenge votes as unlawful, but also the privilege of remaining during the canvass of the votes. Each party also has the right to have admitted to the canvass of votes at least two persons, in addition to the challenger, to watch such canvass. These persons are termed "watchers." Similar, but less detailed, provision for the representation of the party organizations is provided for elections in the other parts of the state as well.

Challengers and
watchers

The election laws provide in detail as to the methods of canvassing votes, and as to the reporting of the results of voting in each precinct. After canvassing votes in the precinct, the returns of an election ordinarily go to a city or county canvassing board. Results are either declared, or returns are made by the city or county canvassing board to the secretary of state. The secretary of state and certain other state officers constitute state canvassing boards who receive and canvass the returns for state elections. An exception is made to this statement by the terms of the constitution of Illinois. The constitution provides that the two houses of the General Assembly are themselves the bodies to open returns, and in joint session to determine who have been elected to the constitutional offices of governor, lieutenant-governor, secretary of state, auditor of public

Canvassing votes
and returns

accounts, attorney-general, state treasurer, and superintendent of public instruction.

Election by
plurality

Ordinarily, in a general election, the candidates of the two leading parties are the only ones who have a real chance of being elected. Occasionally, as in 1912, there may be a strong third party, so that the voter has a choice among the candidates of three parties. The candidate who receives a plurality is elected. To take a specific illustration, in 1912 there were three leading candidates for governor Edward F. Dunne, Democratic; Charles S. Deneen, Republican; and Frank H. Funk, Progressive. The votes for these three candidates were as follows:

Dunne	.....	..	443,120
Deneen	. . . . .	...	318,469
Funk	. . . . .	...	303,401
			<hr/> 1,064,990

The Democratic candidate was elected because he received a plurality, or more votes than either of the other candidates. There were other candidates also at the same election receiving altogether about 100,000 votes. In this case, therefore, the candidate was elected who received less than 40 per cent of the total vote in the election. To require that a successful candidate have a majority of all the votes cast at an election would oftentimes require the holding of another election for the purpose of deciding between the two or three highest. For this reason the rule of election by plurality has been adopted. Because of the existence of two strong parties, the plurality plan ordinarily means that the candidate who is elected has a majority of the votes or very nearly a majority.

A different basis has been established for determining whether certain questions have actually obtained popular approval. The constitution of Illinois requires that a constitutional amendment in order to be adopted shall be submitted at a general election and shall have been approved by a majority of those voting at such election. For example, if there are 1,200,000 persons voting at an election, this means that there must be a favorable vote upon a constitutional amendment of at least 600,001. If, in the general election, 1,200,000 people vote for candidates, and only 800,000 vote upon the proposed constitutional amendment, the proposed amendment must still get 600,001 favorable votes in order to be adopted. People do not vote so readily upon measures as upon candidates, and for this reason a proposed constitutional amendment is at a disadvantage. Each person voting for candidates in a general election, but not voting upon a proposed constitutional amendment, is practically casting his ballot against the amendment. The constitution of Illinois requires that a number of questions be submitted to popular vote. For example, an amendment to the banking law must be submitted to popular vote before it comes into operation. But an amendment to the banking law requires only a majority of those voting on the question. This means, if 800,000 vote on the proposed change in the banking law, it requires favorable votes of only 400,001. In this case those voting for candidates, but not voting at all upon the question, do not actually count against it. The constitution of Illinois also requires that a proposal to incur a state debt in excess of \$250,000 shall be approved by the voters of the state. In this case it requires that the pro-

Votes required
on questions

posals be approved by a majority of the votes cast for members of the General Assembly. If fewer people vote for members of the General Assembly than for governor, as is normally the case, a proposal to incur a state debt may be approved, while a proposal to amend the state constitution may be lost, although receiving the same number of votes. Most questions of a local character submitted to popular vote require merely a majority of those voting upon the question submitted. This is true, for example, of city bond issues.

HOW THE VOTER MAY MAKE HIMSELF EFFECTIVE

Reason for
political parties

How can the individual citizen make himself effective as a voter? Suppose each voter acted to himself alone, or that each small group of voters acted alone, would it be possible for them to be effective in elections? The answer to this question indicates the reason for political parties. The political party is an essential part of government, for it is the means through which we elect officers and control public policies. The chief function of parties is that of narrowing down the issue, so that the voter may finally express a choice between two leading candidates. As a matter of fact, the individual voter can never do more than express a choice as between several leading candidates, and as between the affirmative and the negative of questions that may be submitted to him. In a popular government such as ours, political parties are a necessity.

Party member-
ship

Except in times of great political upheaval, a political party obtains its membership as a result of birth and tradition. Party members naturally fall into the three following groups: (1) a relatively small pro-

fessionalized group, who control the party organization at elections and between elections; (2) the traditional followers of the party, who vote the straight ticket no matter who is nominated; (3) and the more independent voters, who split their tickets or who bolt the party in case its candidates are too bad

Political parties are necessary, but equally necessary are the independent voters. There is always a large body of independent voters, who change from one party to another or who split their tickets at each election. This body of independent voters, taken together with a larger body of voters who are not completely pledged to one party, practically bring about the changes of control from one party to another in our American system of government. If one party proves unsatisfactory or does things that are regarded as distinctly improper, there is usually a sufficient body of voters to bring the chief opposing party into political power. Here the independent voter, and the voter who is not fully or completely pledged to one party, performs a useful and desirable function. However, this function is one which he could not perform were it not for the existence of political parties.

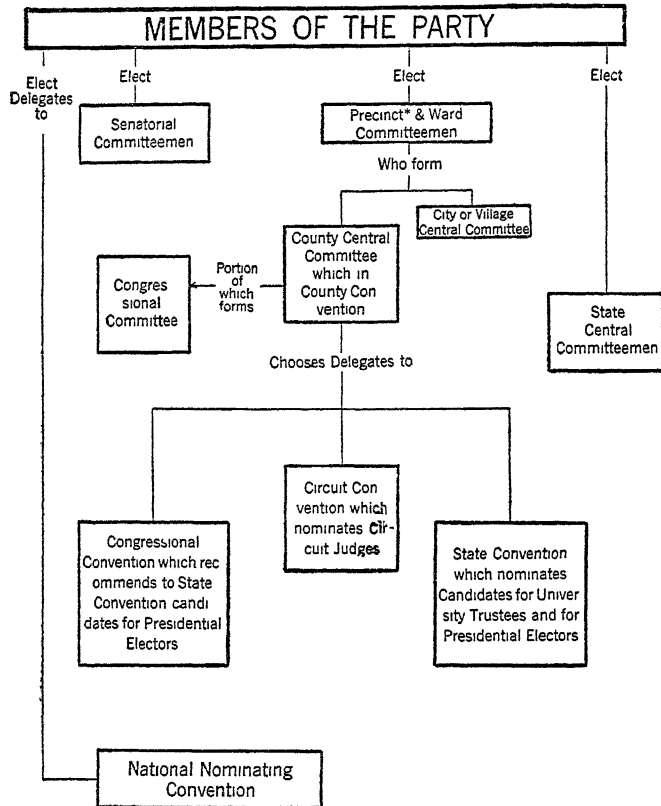
Because of the large share of the political party in the actual conduct of our government, the states have to a large extent taken under their control the organization of parties and of the manner in which they shall nominate candidates. Because of the greater importance of large parties, the legislation of this state controls the large parties more completely. In Illinois, any party which at the preceding general election cast more than 2 per cent of the entire vote is subjected to very strict

Independent
voting

Party organiza-
tion

regulations. Its method of choosing its ward, precinct, and other committeemen is determined, as is also the

CHART IV



Organization of a political party, state of Illinois

*No precinct committeemen are elected in Chicago

composition and time of the meeting of its party conventions. Substantially the whole machinery of organiza-

tion of the political party, which was once regarded as purely a party matter, is taken over and regulated by state law. Chart IV indicates the manner in which the organization of political parties is established under the state law. It should be borne in mind, however, that any party casting less than 2 per cent of the total vote is not regulated by this machinery.

State law also regulates in detail how parties shall nominate their candidates. Since the state provides for the printing at public expense of the ballots, no candidate can get upon the ballot without complying with the rules laid down by law for the nomination of candidates. Several methods are provided by law for the nomination of candidates whose names may be printed upon the official ballot.

Party nominations

A political party casting more than 2 per cent of the entire vote is required to nominate almost all of its candidates in a primary election. A primary election is merely a preliminary election within the party, conducted by the same officers as those who conduct the general election. Through it the party elects its committeemen and nominates its party candidates. When a voter appears in the primary, he is required to state to what party he belongs. No one is permitted to vote in a party primary if he has within a period of two years voted at a primary of another political party. With this difference, the primary election is conducted in substantially the same manner as the final election. Anyone who can obtain a petition of a certain number of voters may appear upon the ballot at the primary election. The candidate or candidates for each office receiving a plurality of the votes in the primary are those whose

Primary elections

names go upon the ballot as the candidates of their party in the general election.

Marking primary
ballot

In marking the primary ballot, the voter must bear in mind that the contest is within a single party. This differs from the general election where the contest is between candidates nominated by opposing parties. In primary voting there is therefore no party column and hence no opportunity for "straight party voting." Candidates for nomination to each office are listed under that office, and the voter must mark separately each candidate for whom he wishes to vote. Where more than one candidate is to be nominated for the same office this is indicated on the primary ballot. To vote for more candidates than are to be nominated destroys the vote for that particular office. Except as indicated here the previous statements with reference to the marking of the ballot apply both to primary and general elections.

Small vote in
primary

Ordinarily, the voter takes little interest in his party primary, and the permanent organization of the party is usually able to name in the primary the candidates whom it prefers. Independent voters, or voters who are rather unwilling to tie themselves permanently to one party, are somewhat inclined not to vote in the primaries. This attitude is partly due to the fact that voting in the primary of one party prevents their voting within a two-year period in the primary election of any other party. However, primary voting in no way binds the voter's choice between candidates in the general election.

Nominations by
conventions

The primary election law does not, however, require that the larger political parties nominate all of their candidates in a primary election. These parties nominate through conventions, circuit and superior court

judges, presidential electors, and trustees of the University of Illinois. The plan of primary nomination is not required for certain local elective officers. If a political party casts less than 2 per cent of the entire vote cast in the state, or in the division of the state for which it desires to make a nomination, it may nominate candidates by a convention or caucus or meeting of its party.

Candidates may also be nominated by petition. In nominating candidates for any office to be filled by the voters of the state at large, a petition for each candidate must be signed by not less than 1,000 qualified voters. Nominations by petition within any district or political division less than the state, and in cities having a population in excess of 5,000, may be made by nomination papers signed by not less than one out of each fifty persons who voted at the last general election. For elections in a town, village, precinct, or ward, and in cities with a population not exceeding 5,000, a petition of 5 per cent of the votes cast at the last election must be obtained.

Through (1) primary elections in the manner outlined above, (2) through party conventions strictly regulated by law for parties having more than 2 per cent of the total vote, and through conventions, caucuses, or other meetings not regulated in great detail by state law for smaller parties, or (3) through petitions, all candidates must get upon the ballot for the final or general election, except in the case of non-partisan elections. For the election of commissioners in cities which have adopted the Commission Government Act, and for the election of aldermen in the city of Chicago, different methods of election are provided.

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Commission
Government
Act

Under the Commission Government Act, any person may become a candidate for mayor, or for commissioner, by means of a petition signed by at least twenty-five qualified voters. A primary election is held, confined to those so nominated by petition, and a ballot is used upon which no party designation appears. The two candidates receiving the highest number of votes for mayor and the eight candidates receiving the highest number of votes for commissioners are nominated in this primary election. Then at another election the voters choose one of the two candidates as mayor, and four of the eight candidates as commissioners.

Aldermanic elec-
tion in Chicago

Under the plan adopted for the election of aldermen in the city of Chicago, a preliminary election is held in February, at which anyone may become a candidate by filing a petition signed by not less than 2 per cent of the voters of his ward. If, at the preliminary election, any candidate receives a majority of the votes cast in his ward, he is declared elected and no further election is held. If, on the other hand, no candidate receives a majority of the votes cast, another election is held limited to the two who received the highest number of votes in the preliminary election. Every four years the aldermanic elections come at the same time as the nomination and the election of mayor, city clerk, and city treasurer upon a partisan basis.

THE SHARE OF THE CITIZEN IN ELECTIONS

Politics and the
citizen

One oftentimes hears people remark that politics is dirty and that they will have nothing to do with it. Such a remark is ordinarily made with reference to governmental affairs without a realization of the fact that

similar influences control also in all other social institutions. The term "politics" is merely a name for the machinery which we employ in the nomination and election of candidates, and in voting upon questions of governmental policy. Politics is but another name for the machinery through which the conduct of government is controlled. To say that politics is dirty, and that we will have nothing to do with it, is to say that we, who are a part of the government and who are controlled by what government does, decline to do our share in the operation of government. Each citizen is, as a voter, a part of the government, and each person not yet qualified to vote is a prospective part of the government. Since government includes everyone, politics is of necessity no better and no worse than are the people who form the government.

The citizen must devote the greater part of his time to earning a living, and ought to give a portion of his remaining time to his family. Our whole governmental machinery is complex, and the machinery of popular voting is the most complex part of it. We seek to elect a great number of officers, and in electing them must choose from among candidates of whom we often know little or nothing. In the running of this complex machinery, party organizations give rise to abuse. We have sought to correct this abuse by doubling the complexity of the machinery for popular voting. We have set up a complete additional set of voting machinery, the primary election, by the side of the general election. The primary election has led to some improvement over the old method of controlled party caucuses and party conventions. Under the convention plan of nominating

Complexity of
voter's problem

candidates, the voter as such had little possibility of control. The primary system gives to the voters an opportunity to take command of their party, if they become sufficiently aroused. Where there are several competing factions within the same party, it gives the voter a choice between the candidates of these factions. The primary plan should not be abandoned in favor of the less satisfactory convention system; but the primary has not given the individual citizen an opportunity to exercise a real influence in the choice of candidates. It is in the choice of candidates that the real political control lies. Nor has the primary made it easier for the individual citizen to know anything in detail regarding the candidates for whom he must vote in the final election.

Party organiza-
tion controls

It is not altogether the fault of the citizen that he is unable to vote intelligently in elections. No matter what his business may be, he cannot give a large amount of his time to the conduct of government. He must necessarily leave the conduct of this highly complex election machinery to those who are willing to operate it. And those who are willing to operate it must be paid for operating it. We have built up an elaborate machinery of popular government which requires an expert class, and we have developed an expert class who control that machinery. Political organizations are under these conditions dominated necessarily by people who give the greater amount of their time to operating such organizations. They control and will normally control party nominations for public office. By controlling the party nominations they control those who are actually to be elected. The more important candidates of a party will receive something of general public

attention, and the leaders of the party organization must be careful whom they choose for such positions. They must be careful that some at least of those whom they choose will commend themselves distinctly to the rank and file of those who constitute the party—those who vote in the final election for the candidates of the party as nominated. Occasionally, great interest will be aroused in the primary, and the party voters will actually take an effective share in the nomination of certain of the more important party candidates. Leaders of the controlling party organizations are, of course, always kept under a certain amount of discipline, because of the fear that the other party may win enough votes from them to obtain power. But rival party organizations have been known even in Illinois to enter into agreements as to the character of their public opposition to one another. Not only this, but in many parts of the state there is not a strong opposition party. The lesser officers whom we theoretically elect are in reality appointed by the leaders of the party which carries the election. The voters who make up a party sometimes but not often take a real interest in the primary and actually determine who shall be nominated to important offices. But this influence does not control when it comes to the candidates for lesser offices, who are sure to attract little or no attention. For the purposes of a final election, the party is composed of all the voters who belong to it. But before the election the party is for practical purposes composed of those who control its committees and other organizations.

It is natural, therefore, that most of those who are nominated and elected to office by party organizations

Party rewards

should be loyal adherents of and workers in that organization. The leaders of a party organization must have some means of rewarding their workers, and this reward comes largely in the lesser public offices. Leaders who aspire to public office obtain their reward by election to more important offices. Important party leaders oftentimes do not seek office, but content themselves with the power and profit which come from the control of offices and governmental contracts

The voter's task
too great

There must always be party organizations, and such organizations are not in themselves illegitimate. The difficulty is that we have given the voter so much to do that he must delegate the larger portion of his task to party organizations. Party organization controls the voter, when the voter should control the party organization. We choose by popular election a whole group of officers who have no share in the determination of governmental policy. One officer of this type is the county surveyor. When one wishes his land surveyed accurately and satisfactorily, it may be that he would prefer to have a surveyor chosen for him by popular vote, but the ordinary business man does not choose a surveyor in this way, and he usually gets the work done better. Popular government consists not in voting for everybody, but in voting for those who control the policy of government, and in holding them responsible for the manner in which government is conducted. If we try to elect a great number of people who have nothing to do with controlling the policy of government, we are unable, because of the very largeness of the task imposed upon us, to exercise a real influence in the choosing of those who actually determine governmental

policy. By trying to elect too many officers, we actually reduce our control over the more important ones, whom alone we should elect.

While the burden placed upon the voter is too great, nevertheless a large part of the responsibility for inefficient government must rest upon the voter. Many of our citizens who are properly qualified do not register, and at every election the vote actually cast is much less than the total number of registered voters. The fact that the task of the citizen is difficult constitutes no excuse for shirking that task.

The voter
indifferent

STUDY QUESTIONS

1. Make a list of all officers chosen at each election held during the past four years in the community in which you live. How many elections are there? How many officers? How many can you name of those now holding these offices?
2. Do you vote for any officers whom you think might more properly be appointed rather than elected? In connection with this question, get *Constitutional Convention Bulletin No. 4* on *The Short Ballot*, issued by the Legislative Reference Bureau, Springfield.
3. What questions have been submitted to the voters of your community during the past two years? Such questions as are of distinct interest should be made the basis for class discussion and debate.
4. Are there unnaturalized aliens in your community? How many? What, if anything, has been done to help them become American citizens? Write to the chief naturalization examiner, Federal Building, Chicago, for full information regarding the procedure of naturalization.
5. Get specimen ballots, instructions to voters, and instructions to judges and clerks of election, and hold an election.
6. Do you have a board of election commissioners?

7. Find out what elections cost in your county or city. Get a report of the Chicago Bureau of Public Efficiency, 315 Plymouth Court, Chicago, on *The High Cost of Elections in Chicago and Cook County*.
8. What must you do in order to vote under the absent voting law?
9. How many persons are registered to vote in your precinct? How many have the qualifications to register but are unregistered?
10. How many of those registered to vote in your precinct actually voted for candidates at your last election? upon questions?
11. How many of those qualified to vote in your precinct actually voted in your last party primaries?
12. Compare the total number of those voting in state primaries with the total number of those voting in general elections for state officers. The figures may be obtained from a pamphlet issued each two years by the secretary of state, Springfield, entitled *Official Vote of the State of Illinois*. The figures may also be found in the *Illinois Blue Book*, issued each two years by the secretary of state.
13. If you live in a commission-government city, find out how much use is made of the initiative and referendum

CHAPTER V

THE THREE DEPARTMENTS OF GOVERNMENT

SEPARATION OF POWERS

The constitution of Illinois, like that of the other states of this country, divides the powers of government into three departments—legislative, executive, and judicial. The constitution of this state provides that “no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.” The constitution also draws a line of distinction as among these three departments, by providing that no officer shall be appointed or elected by the General Assembly; and that no judge or clerk of any court, secretary of state, attorney-general, state’s attorney, recorder, sheriff, or collector of public revenue, or person holding any lucrative office under the state, shall have a seat in the General Assembly. General principle

Briefly, the legislative department determines what the state law shall be; the executive department executes or administers the law; and the judicial department construes and applies the law. The constitution provides for these three separate departments and forbids the intermingling of these departments except as expressly directed or permitted by the constitution itself. But these three departments are all parts of the same government. It would be out of the question to organize any government into departments in such The three departments

a manner that each would be completely separate and independent of the others.

INTERDEPENDENCE OF DEPARTMENTS

Executive share
in legislation

The constitution of Illinois itself makes a number of exceptions from the general principle which it lays down, that the three departments shall be distinct. For example, the governor is given a veto power over laws and over the items of appropriation laws. Through the veto power the governor has as complete an authority over legislation as have the majorities of the two houses acting together. His veto may, however, be overcome by two-thirds of all of the members elected to the two houses. The governor has authority also under the constitution to call a special session of the General Assembly and to adjourn the General Assembly in case of a disagreement between the two houses as to the time of adjournment. Thus, by the terms of the constitution itself, the governor has legislative powers almost as great as those of the two houses which constitute the legislative department.

Judicial functions
of legislative
and executive
departments

The legislative department has power to imprison persons for contemptuous behavior in its presence. Officers of the state may be impeached by the House of Representatives, and such impeachment is tried by the Senate. An impeachment is actually a trial of the officer by the Senate upon charges brought by the House of Representatives, and this function is purely judicial in character. By the terms of the constitution, the two houses of the General Assembly have authority, by a vote of three-fourths of all members elected to each house, to remove judges from office. The governor has

power to grant reprieves, commutations, and pardons, and by doing so he is overcoming or altering the effect of a judicial trial. In this respect he is actually performing a function which is similar to that exercised by the courts.

By express terms of the constitution of Illinois all judges of courts of record inferior to the Supreme Court are required each year to report in writing to the judges of the Supreme Court such defects and omissions in the law as their experience may suggest. The judges of the Supreme Court are required to report in writing to the governor each year such defects and omissions in the constitution or laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. Here a task is imposed upon the judges as an aid to the legislative department, and this is in effect a legislative function. A similar legislative function is imposed upon the governor of sending messages to the General Assembly, recommending such measures as he may deem expedient, and presenting to the two houses estimates of the amounts of money required to be raised by taxation for all purposes.

Legislative func-
tions of courts

In the power of the courts to declare laws unconstitutional, we have a determination as to whether a statute enacted by the legislative department is actually law. By declaring an act of the General Assembly unconstitutional, as the Supreme Court does in a number of cases each year, the court actually decides that the legislative department has ignored some constitutional limitation, either upon its power or upon its method of procedure. In such cases the court declares that what the General Assembly has said to be law is not law. This power has

Control of legis-
lation by courts

developed as a judicial power, and is incidentally recognized as such by several provisions of the state constitution, although the court's action in such cases is really a law-making function. The effect of the court's action upon the law is much the same as if the law had been repealed by the General Assembly, although the theory of the court is that an act declared unconstitutional never was a law. In legal theory the court's declaration affects the law from the very date of its passage, whereas the legislative repeal of a law affects it from the date when the repeal becomes effective.

Appointments
by courts

With the exceptions made by the constitution, the three departments of state government are distinct from one another. In some respects, the exceptions made by the constitution itself are more important than is the rule that there are three distinct departments. The courts have in addition taken the view that the power to appoint to office is not primarily a power belonging to any one of the three departments, and that a power to appoint and to remove officers may in certain cases be vested in the courts. For example, the board of election commissioners for cities which have adopted the City Election Act are appointed by the county judge; and the commissioners for the South Park District within the city of Chicago are appointed by the circuit judges of Cook County.

Legislative and
executive powers
in local govern-
ment

The principle of separation of powers is laid down in the constitution as a principle controlling state government. In local government no distinction between legislative and executive functions is required by the constitution. No sharp distinction between legislative and executive functions has been made by law in the

organization of town and county government, or in the organization of school, sanitary, and drainage districts, or of other local bodies. Under the general Cities and Villages Act, a rather sharp distinction between executive and legislative functions is made. But even here the distinction between the two departments has as many exceptions as has the principle of the separation of these two departments in the state government. Under the commission form of city government, which has been adopted by a number of cities in this state, all distinction between legislative and executive functions has been abolished.

In both state and local government, the judicial department has been kept fairly distinct from the other two departments of government. This is not so much due to the announcement by the constitution of the principle of three distinct departments as it is to the fact that the constitution itself creates or provides for the whole system of courts of the state. The judicial department is rather sharply separated, both in its organization and in its functions, from the other two departments of government, except in the cases where the courts exercise a power to appoint and remove officers. The courts justify this exception on the ground that such a power does not belong to any one of the three departments.

Independence of
the courts

Both in state and in local government, a close relationship between the legislative and the executive functions is necessary. Appropriations for the support of state government must, under the constitution, be made by the legislative department, but such appropriations are in the main for the operation of the executive department.

Close relation-
ship between
legislative and
executive

The appropriations for the expense of the legislative and judicial departments make up less than one-twentieth of the total expenses of the state government. The other nineteen-twentieths are for the support of the executive department. In view of this fact, it is necessary that there should be a close relationship between the legislative and executive departments in the making of appropriations. At least nine-tenths of the legislation enacted at a regular session of the General Assembly relates to things to be done in the administration of state and local governments by officers or employees who are primarily exercising executive functions. In the enactment of this legislation, it is necessary that the legislative bodies proceed in very close co-operation with the executive department of the state government.

Need for such
relationship

There is need for a continuous legislative policy with respect to all of the things being done by state and local government. The two houses of the General Assembly are not in continuous session, and such a continuous policy can be developed only by the executive department, which is continuously in existence and constantly dealing with administrative problems. It is natural, therefore, that the state executive department should have a large influence upon matters of legislation, independently of the power of veto conferred by the constitution itself. The power of impeachment is not likely to be frequently used, and has never been successfully used during the history of the state of Illinois. Through the power in the House of Representatives to present charges of impeachment, and the power of the Senate to try persons against whom charges are so brought, a legislative authority exists over both the

executive and judicial departments. Through the power of the two houses to remove judges by a vote of three-fourths of all of the members elected to each house, the legislative body has a power of control over the judicial department. But this possible legislative control is so difficult of exercise that it never has been and probably never will be employed. The legislative department has an additional power of control over the executive department in that, by the terms of the constitution, the governor nominates and "by and with the advice and consent of the Senate (a majority of all of the senators elected concurring, by yeas and nays) appoints all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for." The General Assembly in establishing offices has, in a great number of cases, provided for Senate confirmation, and by this method has a real control over the executive department.

No government ever has been or could be conducted by means of three absolutely distinct departments, for the three departments are doing parts of the same task. The relationships among the three departments must be close, and this is recognized by the constitution of 1870. By the constitution of 1848, the salaries of state officers were definitely fixed. These salaries soon proved inadequate, and the constitution of 1870 leaves the fixing of such salaries to the General Assembly. Many members of the constitutional convention of 1869-70 feared that serious difficulties would arise through so great a violation of the principle of the separation of powers as was involved in control by one department over salaries to

Departments
cannot be abso-
lutely distinct

be paid to the officers of the other two departments
But these fears have proved groundless.

STUDY QUESTIONS

1. Find in the state constitution all of the ways in which the governor may exercise control over legislation. What similar powers has the president under the federal Constitution?
2. Find in the state constitution all of the ways in which the General Assembly may exercise control over the executive department. To what extent does Congress have similar powers over the federal executive?
3. In what manner does the federal Constitution create an independent judicial department? To what extent does the Illinois constitution accomplish the same results? What methods of controlling the courts have Congress and the state legislature?
4. Discover the relationship between legislative and executive functions in the government of your city, in the government of your school district; in the government of your county.

CHAPTER VI

ORGANIZATION OF THE STATE LEGISLATURE

THE TWO HOUSES

State legislative powers are exercised by the General Assembly, which is organized into two houses—the Senate and House of Representatives. For the election of the members of these two houses the state is divided into fifty-one senatorial districts. Each of these districts elects one senator and three representatives. The members of the Senate are elected for four-year terms. Those from the odd-numbered districts are elected at four-year intervals, the last election having occurred in November, 1922. Those from even-numbered districts are elected at four-year intervals, the next election occurring in 1924. By this overlapping of terms, each biennial session of the Senate has substantially one-half of its members who have served in the previous session. In the session of 1919, of the twenty-six newly elected members of the Senate, nineteen had had legislative service immediately preceding their election; and forty-four of the fifty-one members of the Senate were not without previous legislative experience.

Membership of
the Senate

The members of the House of Representatives are all elected for two-year terms, and are chosen in November of each even year. It is not uncommon for many members to be re-elected to the House for a second and succeeding terms. In the session of 1917, ninety of the one hundred and fifty-three members of the House had

Membership
of the House of
Representatives

served in the preceding session, either of the Senate or of the House of Representatives. In 1919, ninety-seven of the one hundred and fifty-three members of the House of Representatives had served in the preceding session either of the Senate or House of Representatives. Although the constitution makes no provision for continuity of membership in the House, such continuity actually results from the re-election of members. But the Senate, with its overlapping terms, will always have more members who have seen previous legislative service.

House and
Senate compared

Except for the Senate's power to confirm certain appointments of the governor, and for the difference in function between the House and Senate in the process of impeachment, there is no distinction between the two houses in power. In organization under the terms of the constitution, there is no difference between the two houses except in (1) size, (2) terms of service, with overlapping terms for senators, and (3) method of election. Representatives are elected under the cumulative plan and senators under the plurality plan.

Movement for
single legislative
body

As a matter of fact, the two houses represent the same interests in the state, and the same voters, except for the political difference created by the system of cumulative voting. For this reason, a movement has been developing in this country for the establishment of a state legislature with but one house. The plan of having one house to check the other developed in earlier days when the one house of a legislative body actually represented a different element in the community from the other. For example, the English Parliament presents one of the best illustrations of a legislative body in which

the two houses were intended to represent distinct elements in the community. The House of Lords represents the hereditary element of a permanent nobility, whereas the House of Commons represents the great body of the people through popular voting. As a matter of fact, however, the tendency in England has been to reduce constantly the powers of the House of Lords and to make the House of Commons the real governing body, thus approaching, although not reaching, the plan of a legislature with a single house.

In Illinois the two houses of the General Assembly actually serve to some extent as a check upon each other, although the governor's veto has been set up as an effective check upon both houses. The question has therefore arisen whether a single legislative body, with the check of the governor's veto, might not be sufficient. The Senate does not by any means pass all of the bills which have first been passed by the House, nor does the House by any means pass all of the bills which have first been passed by the Senate. However, under the present organization, one house will pass many bills with the definite knowledge that they will fail in the other, either because of inaction by the other house, or because they do not have a sufficient vote. It is not uncommon for one house to pass a measure back of which there is strong popular support, relying upon the other house to amend the bill out of existence or not to pass it at all. After all allowance is made, there is a great deal of "passing the buck," as between the two houses of the Illinois General Assembly. The movement for a state legislative body of a single house has not obtained any strong support in Illinois, and has not yet been successful

Situation in
Illinois

in any other state. However, attention is called to the fact that all of the cities of Illinois have legislative bodies of a single house.

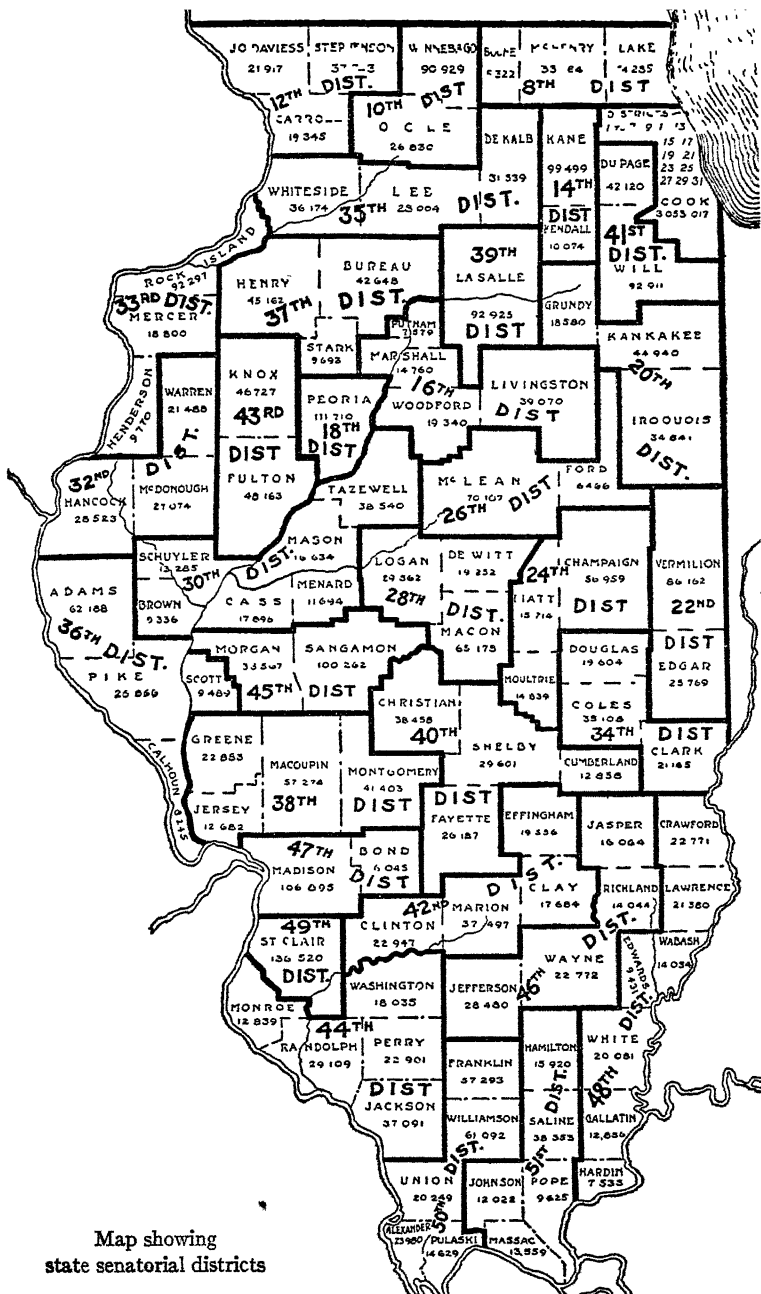
APPORTIONMENT

Constitutional requirements

Each ten years the General Assembly is required by the constitution to reapportion the state. This is done by dividing the population of the state as ascertained by the federal census by the number fifty-one, the number of senatorial districts. The quotient is the ratio of representation in the Senate. The constitution requires that senatorial districts shall be formed of contiguous and compact territory bounded by county lines, and shall contain, as nearly as practicable, an equal number of inhabitants, but that no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than a ratio and three-fourths may be divided into separate districts, and are entitled to two senators, and one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of such ratio. Although the constitution requires a reapportionment of the state for the purpose of electing senators after each decennial federal census, there has been no reapportionment in this state since 1901. The map shown on page 113 indicates the present boundaries of senatorial districts outside of Cook County. Within Cook County there are nineteen senatorial districts.

Failure to reapportion

The chief reason for a failure to reapportion the state since 1901 is the rapid increase in population of Cook County as compared with the rest of the state. With the number of senators limited to fifty-one and the number of members of the House of Representatives limited to one



Map showing
state senatorial districts

hundred and fifty-three, each gain of one senator and three representatives by Cook County means the loss of one senator and three representatives by the territory of the state outside of Cook County. There are now thirty-two senatorial districts outside of Cook County, and for the General Assembly to have reapportioned the state in 1911, as required by the constitution, would have meant that the territory outside of Cook County would have had thirty members of the Senate and ninety members of the House. Had a reapportionment been made, the thirty-two senators from districts outside of Cook County would be sure that at least two of their number would have had no possibility of being re-elected to the Senate; and the ninety-six members of the House from outside of Cook County would have faced the certainty that at least six of their number could under no possibility be returned to the next session of the House. This feeling upon the part of members outside of Cook County that they were not only reducing the representation of the rest of the state by making a reapportionment, but also that they were reducing their own opportunities for re-election, has been a distinct influence against the making of new apportionments.

Result of failure
to reapportion

There is no way by which the General Assembly may be compelled to make a reapportionment in compliance with the constitutional language. A failure to reapportion involves an inequality of representation throughout the whole state. It involves not only an inequality of representation as between Cook County and the remainder of the state, but also an inequality of representation as among the thirty-two senatorial districts outside of, and the nineteen within, Cook County. Some parts

of the state have been growing rapidly in population and other parts have not been growing so rapidly. Fifty-six counties have decreased in population since 1910, and some others have remained substantially stationary.

The rejected constitution of 1922 sought to solve the problems of apportionment and of relations between Chicago and the remainder of the state. If adopted, it would have given Chicago larger power to deal with its own local problems, and have limited Cook County representation in the state Senate permanently to nineteen in a total of fifty-seven. Representation in the House of Representatives would have been equal for all parts of the state, in proportion to the number of votes cast for governor, rather than in proportion to population. Provision was made that, if the General Assembly failed to reapportion at the required intervals, such reapportionment should be made by the secretary of state, attorney-general, and auditor of public accounts.

Proposed solution in 1922

ELECTION OF SENATORS AND REPRESENTATIVES

The members of the state Senate are elected, one from each senatorial district, upon what may be termed a plurality vote. The candidate who receives the highest vote is elected. The system of cumulative voting applies only to the election of members of the House of Representatives. Each voter has three votes for representative, and may cast all three of his votes for one candidate, or two for one candidate and one for another, or one and one-half votes each for two candidates, or one each for three candidates. This means that, if a political party has more than one-fourth of the votes in a senatorial district, its members may, by each casting three votes

Cumulative system

for the same candidate, elect that candidate. They will elect their candidate even though the other party has nearly three-fourths of the votes in the district. If the party having nearly three-fourths of the votes in the district should nominate three candidates, not all of its three candidates can receive higher votes than the one candidate of the party having only a little more than one-fourth of the votes. If the larger party had three candidates, some of the friends of each candidate are almost sure to cast their votes in such a way that two of the three candidates will have a higher vote than the third one. Thus the one candidate nominated by a minority party which has even less than one-fourth of the total votes is likely to be one of the three highest in the election and to be elected.

Limited choice
of voter

The cumulative plan makes it practically necessary, therefore, that each party should nominate no more candidates than it thinks it can elect. A party which has as many as two-thirds to three-fourths of the votes in a senatorial district will nominate only two candidates, because of a feeling that it can elect only two. The minority party will in such a case nominate but one candidate because it will feel that it can elect only one, and that if it nominates two, the votes may be so divided among the two that the three nominated by the larger party may be elected. The result naturally is that each party nominates as many candidates as it thinks it can elect in a particular district; and the voter really has no choice in the election,* because in many cases the majority party has nominated two candidates and the minority party one candidate. This means, of course, that the three so nominated are certain to be elected,

whatever the individual voter may do. At the election of 1918, there were ninety-three candidates on the Republican ticket, and eighty-three on the Democratic, a total of one hundred and seventy-six candidates for one hundred and fifty-three positions. In twenty-nine districts there were only three candidates of the two larger parties combined. Of the other twenty-two districts, there were four candidates each in twenty-one, and five candidates in one. In two districts one party nominated three candidates and the other party one, and in one district one party nominated three candidates and the other two. In nineteen districts each party nominated two candidates. In the districts where the two leading parties together nominated more than three candidates, each voter had something of choice in the general election. This choice in twenty-one districts was limited to that of three out of four candidates, and in one district to that of three out of five candidates.

The strength of each political party in the House of Representatives depends upon the ability with which it guesses in advance the number of candidates whom it may elect in each district. Too large a guess is as dangerous as one that is too small. It is natural, therefore, that there should be little contest between the two leading parties in the general election. The voter has little choice at the election unless there is a strong movement outside of the two larger parties, and under the cumulative system two of the three candidates nominated by the larger parties are practically sure of election. This is apt to be true even though the sentiment against the three may be strong. The candidate of the smaller of the two chief parties is ordinarily in a position where it

Operation of
cumulative
system

is extremely difficult to defeat him. In 1912, when the Progressive Party was strong, it was able to obtain a representation in fair proportion to its voting strength. This result was due to the fact that the Progressive Party became in that election, for many districts in the state, one of the two strongest parties, although in other districts it was weaker than either of the other parties. The cumulative system will ordinarily tend to give to each senatorial district of the state two representatives of the strongest party and one representative of the next stronger party, but it affords only occasional opportunity for any other party.

Reasons for
cumulative
system

The cumulative system was adopted in 1870, partly upon the assumption that it would give more equal representation and a larger opportunity to the individual voter, but perhaps chiefly for the purpose of breaking up sectional representation in the state. In 1870 a large portion of the state sent to the Illinois House of Representatives a membership that was completely Republican, and another large portion of the state sent to the House of Representatives a representation that was completely Democratic. Under the plan of majority or plurality voting, the party which had the majority obtained all of the representatives for a particular district; and a party which had a heavy vote, but a minority, obtained no representation. The cumulative system of voting broke up this arrangement, and has given to Illinois since 1870 a representation in the House of Representatives more evenly divided between the two great parties than would have been the case under a majority or plurality system. It has enabled representatives of each of the two great parties to come from all parts of the state.

The cumulative system has, however, made nomination by either of the larger parties almost equivalent to an election in the greater number of senatorial districts in the state. For this reason the method of nominating party candidates is really more important in the choice of representatives than is the final election. The Supreme Court has held that it is necessary to apply the cumulative system to primary elections for the choice of party candidates, as well as to the final election of representatives. Under the primary election law candidates for the House of Representatives are nominated in party primaries, and the senatorial committee in each senatorial district determines the number of candidates which its party shall nominate. The senatorial committee is the body which makes the guess as to whether the party under the cumulative system can actually elect one, two, or three candidates. Party candidates for representative are thus nominated in a preliminary election, and the number of candidates to be nominated is determined by the party organization. The individual voter takes less interest in the primary than he does in the election, and it has usually been possible for the party organization to control who shall be nominated as the party candidate. After the nomination the voter has little or no choice in the final election. For this reason the rejected constitution of 1922 proposed the abolition of the cumulative system.

Importance of
party organiza-
tion

SESSIONS AND COMPENSATION

The constitution provides that the General Assembly shall hold a regular session each two years beginning on the Wednesday next after the first Monday in January

Sessions

in the year following the election of members. This means that the General Assembly meets early in January of each odd year, the members having been elected in November of the previous even year. There is no limitation upon the length of the session of the Illinois General Assembly. It has been common for some years for the regular session to extend beyond the middle of June, the two houses taking a recess from about the middle of June to one of the last days in June. Then they reassemble without the presence of a quorum, for the purpose of hearing the governor's veto messages.

Length of session Although there is no constitutional limitation upon the length of session, the constitution does prescribe that:

No act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act) the General Assembly shall by a vote of two-thirds of all members elected to each house otherwise direct.

This provision was placed in the constitution upon the assumption that the General Assembly would ordinarily continue in session for only about three months. It does, however, actually impose a practical limitation upon the length of the regular session of the General Assembly. In this state it is common to pass most of the laws during the last week or ten days of the session, and this also applies to appropriation acts. It would be out of the question to obtain a two-thirds vote of each house upon each measure, and if the measures are to be passed and are to come into effect before the first of July, the General Assembly must finish its work before that date. The desire that appropriations should be available by July 1

is perhaps the primary force in this matter, because the different departments and offices of the state government would suffer unless the appropriations become available

In Illinois it is customary during a session of the General Assembly for the members to go home over the week-end, devoting for the greater part of the session a little less than three days each week to the legislative work at the state capital. Until the rush begins at the end of the session, meetings of the two houses are ordinarily held on the morning of each Tuesday, Wednesday, and Thursday, the two houses adjourning early enough on Thursday to make the noon train. This plan of visiting their local communities each week has its advantages in that it keeps the members in close touch with their constituents. It is substantially necessary from the standpoint of the members in order that they may continue to some extent their private occupations. No member of the General Assembly can afford to give up his private occupation in order to attend to legislative duties which will normally require a portion of five months out of each two years. During the later weeks of a legislative session a larger number of days are used, and sessions are oftentimes held twice a day from Tuesday to Friday. Until the last days of the session it is practically out of the question to get a quorum for the transaction of business at sessions on Monday, or on Thursday afternoon, or Friday morning. Such sessions, when held, are ordinarily devoted to perfunctory business, or to the advancing of bills, which is ordinarily done without anyone raising the issue that a quorum is not present.

Time in session
each week

Quorum

The constitution provides that a majority of the members elected to each house shall constitute a quorum. It also provides that no bill shall be passed unless it receives the vote of a majority of all members elected to each house. This means that twenty-six votes in the Senate and seventy-seven votes in the House of Representatives are necessary to pass a bill. Neither house has power without the consent of the other to adjourn for more than two days or to any other place than that at which the two houses are sitting. A two-thirds vote of all the members elected to each house is required in order to pass a law with an emergency clause, bringing it into effect before the first day of the next July; and a two-thirds vote is required to increase the aggregate amount of appropriations made for the ordinary and contingent expenses of state government. It also requires a two-thirds vote of all members elected to each house in order to pass any measure over the governor's veto. The same vote is also required to propose an amendment to the constitution, or to submit to the people the question of calling a constitutional convention.

Special sessions

The governor has authority on extraordinary occasions to convene the General Assembly by proclamation, stating the purpose for which they are convened. When the two houses are called into special session by the governor they can "enter upon no other business except that for which they are called together." In his proclamation for a special session the governor specifies the measures which he desires to have considered. If, after the two houses have been assembled in special session, he desires them to consider other matters, this may be done only by the cumbersome procedure of calling

another special session. The fact that one special session is already assembled does not, however, interfere with his power to call another special session, and there seems to be no difficulty about having the two special sessions in existence at the same time.

The members of the General Assembly receive such compensation as may be provided by law, and in addition mileage for the distance necessarily traveled in going to and returning from the seat of government, together with a payment of \$50.00 per session to each member for postage, stationery, newspapers, and other incidental expense. The compensation of members has been fixed by statute at \$3,500 00 for the two-year period. If the member goes back and forth to his residence each week-end, he necessarily spends a great deal of money upon railroad travel, and in 1921 provision was made by law for weekly mileage. The validity of such a provision has not yet been passed upon by the courts. In Ohio each member of the General Assembly receives weekly mileage.

Compensation

LIMITATIONS ON THE GENERAL ASSEMBLY

In chapter iii dealing with the history of government, attention has been called to the fact that the constitution contains numerous limitations upon the powers and procedure of the General Assembly. Some indication has there been given of the reasons for the development of such limitations. In the constitution of 1818 there were substantially no limitations upon what the legislature might do, or upon how the legislature might do its work. The present constitution contains a whole series of limitations upon legislative power and

Character of
limitations

upon legislative procedure. Upon its powers to enact legislation, the chief limitations are those upon state and municipal indebtedness, the passage of local and special legislation, and the enactment of banking laws. However, the constitution contains a great deal of detail with respect to railroads, warehouses, and other matters. A careful examination must be made of its text with reference to each piece of proposed legislation, in order to determine whether the power to enact such proposed legislation belongs to the General Assembly.

Limitations upon
procedure

Not only this, but each of the constitutions in this state has imposed an additional series of limitations upon how the legislature may act. The constitution of 1870, for example, contains the wise provision that no act shall embrace more than one subject, and that the subject shall be expressed in the title. This provision has made no very great difficulty. The constitution also contains a provision that each bill shall be read on three separate days in each house. The requirement that bills be considered in each house on three separate days is an important and valuable one, because it prevents hasty action by the legislative bodies. But any requirement which implies that each bill should be read aloud in full on three different days in each house is unnecessary and foolish. The requirement that bills be read in each house on three separate days is in the constitution of Illinois, largely because it was an early requirement of the English Parliament. Reading in full on three separate days was required in the early days of the English Parliament, because printing was either non-existent or highly expensive, and because in the early days of English history the ability to read was

not common. The members, therefore, obtained their knowledge of a bill from its readings. Since the development of printing and of the ability among legislators to read, the requirement of three readings in full in each house has ceased to be necessary. As a matter of fact, reading in full is practically not employed in the two houses of the Illinois General Assembly, except occasionally when a member demands reading in full in order to obstruct procedure.

The constitution requires that "a bill and all amendments thereto shall be printed before the vote is taken on its final passage." This is a highly desirable requirement although it was to a large extent neglected for a period of more than forty years. Then for a while it made difficulty because of a too strict view taken by the court with respect to its application. Now it is fairly well observed and makes no difficulty.

Printing of bill

The constitution also provides that "no law shall be revived or amended by reference to its title only, but the law revived or the section amended shall be inserted at length in the new act." Before 1870 it was not uncommon for laws to be passed in substantially the following form: "Be it enacted by the People of the State of Illinois, represented in the General Assembly: Section 1 of an act entitled, etc., is amended by inserting the word 'county' before the word 'state.'" With a bill so introduced, it was impossible to know what was sought to be accomplished, unless each member of the General Assembly made a careful comparison of the bill with existing legislation, and this in many cases was not done. This constitutional provision has served the desirable purpose of forcing greater clearness in the method of

Amendment by
reference

passing laws which amend earlier laws. As construed by the Supreme Court since 1900, it has accomplished the further result of making it impossible for the General Assembly to know when it must proceed by amending a prior act, and when it may proceed by a piece of new and independent legislation. In this respect it has practically set up a guessing contest between the General Assembly and the court, with the court having the last guess. As so extended, the constitutional provision has produced more harm than good.

STUDY QUESTIONS

1. Take the rules laid down by the constitution of Illinois, and make a senatorial apportionment, using the map appearing on page 113. The county populations under the census of 1920 are indicated on this map
2. How many candidates of the two leading parties for representative were there at your last election? How does the cumulative system work in your senatorial district? For its operation throughout the state, get Blaine F. Moore's *History of Cumulative Voting and Minority Representation in Illinois* (2d ed.), "University of Illinois Studies in the Social Sciences," Vol. VIII, No. 2.
3. What should be done with respect to Cook County representation? For similar problems in other states see *Constitutional Convention Bulletin No. 8 on The Legislative Department*, issued by the Legislative Reference Bureau, Springfield
4. Make a list of the limitations on legislative powers and procedure found in the Illinois constitution of 1870.

CHAPTER VII

THE WORK OF THE STATE LEGISLATURE

WHAT THE LEGISLATURE DOES

The legislative department is the body which determines state policies by means of legislation. The executive department is primarily a body to carry out policies, and the judicial department applies the laws. The legislative department is the department of the state government which has power to strike out along new paths and to develop new lines of policy for the state. Certain matters of state policy may also be settled by constitutional amendment proposed through legislative action, and by revisions or amendments proposed by constitutional conventions. But it is out of the question to do much through occasional constitutional enactments in the way of developing new state policies. To some extent, the executive and judicial departments also determine matters of state governmental policy. However, the state legislature is the one body meeting at frequent and regular intervals for this very purpose

Legislature in
state government

The chief matters upon which a state legislature acts may be summed up as follows:

Appropriations
and taxes

1. The General Assembly makes appropriations for the support of all parts of the state government, and passes laws providing for taxes and for other sources of revenue in order to pay the appropriations so made.

2. The General Assembly enacts laws with reference to all matters affecting the state governmental organization. For example, in 1913 the General Assembly passed

State govern-
mental organi-
zation

an act for the regulation of public utilities, and created a Public Utilities Commission. This legislation was repealed in 1921, and another act passed for the establishment of an Illinois Commerce Commission with powers similar to those previously exercised by the Public Utilities Commission. Having created a commission for the exercise of these powers, the Illinois General Assembly has also, each two years, appropriated money for the support of this commission. Every part of the state executive organization (outside of the executive offices provided for by the constitution) has been created, and its duties have been prescribed, in a similar manner.

Local govern-
ment

3. The General Assembly of the state passes laws regarding the organization and powers of the various local governing bodies of the state. All powers of cities, villages, and incorporated towns are derived from state legislation, as are also all powers of civil towns, sanitary and drainage districts, park districts, and school districts. The organization of county government is to some extent provided for by the constitution itself.

Private rights

4. The General Assembly of Illinois passes laws regulating the relationships among all of the individuals in the state. It determines, or may determine, the obligations arising out of contracts, the forms of deeds, mortgages, wills, etc., and all of the procedure of the courts in enforcing the rights of parties arising out of their relationships.

Common law
and the courts

Civil relationships of individuals in this and in most of the other states of this country are in large part regulated by the "common law." The common law is a body of law developed originally by the English courts and brought to this country by those who settled

the American colonies. This body of English law has been in many respects altered by the courts of this state to suit the specific needs of the people of Illinois. In adjusting the common law to meet the needs of the people of the state, the courts of Illinois have to some extent themselves made law. This body of the common law is at all times subject to change by legislative act. The Illinois General Assembly has provided that the common law

so far as the same is applicable and of a general nature, and all statutes or acts of the British Parliament made in aid of or to supply the defects of the common law prior to the fourth year of James I (with certain exceptions) and which are of a general nature and not local to that kingdom, shall be the rule of decision and shall be considered as of full force until repealed by legislative authority.

It should be noted that the common law was adopted so far as the same is applicable and of a general nature; and that it was adopted as modified by certain British statutes before the fourth year of James I. It is of interest to note that the fourth year of James I was 1607, the year of the settlement of Virginia. It has already been suggested that the territory now constituting the state of Illinois was once a part of Virginia.

The common law has been to a large extent changed by statute, so that in order to find what is the law upon a great number of matters within the state of Illinois, it is necessary first to look at the laws enacted by the Illinois General Assembly, and now in force. If the matter is not fully covered, or not covered at all by such laws, we must examine the printed decisions of the courts of the state in order to discover whether they have announced the rule of common law for this state. If

Common law
and legislative
acts

the question is a new one, and has not been acted upon by the courts of Illinois, these courts will (when the question arises) look to the decisions of the English courts and of other state courts in order to make up their minds as to what is the common law to be applied in the state of Illinois. However, they will not necessarily be bound in their decision by the decisions either of the English courts or of the courts of other states.

Criminal law

In controlling the relationships of individuals, the General Assembly also passes laws for the punishment of crimes committed within its borders, and regulates the methods of procedure in court for the trial of persons accused of crime. A great number of things punishable by state legislative acts are wrongful in themselves, such as theft, murder, bigamy, gambling, forgery, etc. Others are not in themselves wrongful, but are prohibited because their commission would interfere with the peace and welfare of the community, or with the rights of others. For example, the Motor Vehicle Act of this state provides that vehicles traveling upon the public highways shall give the right of way to other vehicles approaching along intersecting highways from the right, and shall have the right of way over those approaching from the left. It also prohibits the driving of a motor vehicle by a person under fifteen years of age, unless such person is accompanied by a duly licensed chauffeur or the owner of the motor vehicle. These provisions are merely illustrations of numerous prohibitions imposed, not because an act is wrongful in itself, but for the protection of others.

Distribution of activities

On the basis of this outline of legislative work, it may be of interest to call attention to the distribution

of laws of the four different types enacted by the Illinois General Assembly in 1917 and in 1919. In studying the table printed below, attention should be called to the fact that a large number of laws relating to state and local administrative matters also specify punishment for the violations of such acts. The four groups in the table below roughly agree with the four types of state legislative activity outlined:

	1917	1919
State appropriations	63	67
Laws relating to state administrative matters	150	177
Laws relating to local administrative matters	108	171
Laws relating to private rights	17	14
Totals	338	429

HOW THE LEGISLATURE WORKS

Each house of the Illinois General Assembly adopts its own rules, and the two houses together adopt certain joint rules for the transaction of business between the two. The constitution lays down certain general rules as to quorum, as to the expulsion of members, and as to the punishment of members for contempt. The doors of each house and of the committees of the whole are required to be kept open except in such cases as in the opinion of the house requires secrecy. Each house is required to keep a journal of its proceedings and to publish such journal. Two members of the Senate or five members of the House may require that the "yeas" and "nays" be taken on any question and entered on the journal. Any two members of either house may dissent from or protest against any act or resolution, and have the dissent entered upon the journals.

Rules of two
houses

- Presiding officers** The lieutenant-governor is the presiding officer of the Senate. The Senate elects all of its other officers and chooses its committees. The House elects its own speaker and other officers, but vests the power to appoint committees in its speaker.
- Seating** The chart shown on page 133 gives the seating arrangement of the House of Representatives of Illinois in 1923. The seating arrangement of the Senate is similar, except that the Senate chamber is smaller, as the Senate has only one-third as many members as the House.
- Introduction of bills** Each member has the right to introduce bills or resolutions. The rules usually place a limit upon the time within which bills may be introduced, in order that all bills may be presented as early as possible in the session. The time limit upon the introduction of bills is ordinarily waived by unanimous consent, and has therefore little effect upon the proceedings of the two houses. Bills are introduced in large numbers. In 1921, 868 House bills were introduced, and 535 Senate bills. Of these 361 were passed by the two houses. Of those passed by the two houses 318 came into effect, 43 having been disapproved by the governor. Five appropriation bills were vetoed in part.
- Senate committees** In order to handle this large number of bills, it is necessary that both houses organize themselves into committees. In the Fifty-second General Assembly, which met in 1921, the Senate had forty-three standing committees. The smallest of these had three members, and the largest, forty-one members. The Senate for some years has determined the number of its standing committees upon the basis of the number of members of

the majority party. In 1917 the Senate had, upon this basis, thirty-three standing committees; in 1919, thirty-eight, and in 1921, forty-three committees. In 1917 each senator averaged eleven committee memberships, and in 1919 one senator was upon twenty-eight committees. A number of committees must necessarily hold session at the same time, and to obtain a quorum in any of the large Senate committees is therefore difficult, if not actually impossible. No member of the Senate is able to divide himself among eleven committees at the same time, and the leading members of the Senate are clearly not able to divide themselves among as many as twenty committees. In the Senate, the committee organization has ceased to be one under which committees are smaller bodies for the purpose of preparing business to be considered by a larger body.

House
committees

In the House of Representatives, there were, in 1921, thirty-three committees. The largest of these committees, that on appropriations, had forty-eight members, and the next largest had thirty-one. The house-committee organization, while capable of improvement, is much more satisfactory than that of the Senate.

Distribution of
work among
committees

Not only is the committee organization of the House and Senate cumbersome, but the distribution of the work among committees is highly irregular. In the Fiftieth General Assembly (1917), the number of bills introduced in the House was 1,041. Of these, 183 went to the committee on appropriations, and 277 to the committee on judiciary. Of the 239 Senate bills which came to the House in 1917, 34 went to the Committee on Appropriations, and 55 to the Committee on Judiciary. These two committees in the House were called upon to do about

two-fifths of the committee work. The same statement is true of the Senate. Under any committee system, there will naturally be some committees with much less to do than others, but in the House and Senate, the committee organization at the present time is not a satisfactory one from the standpoint of distribution of work.

There would be considerable advantage in having a uniform organization of the committees of the two houses, and in having joint committees for some purposes such as are now employed in the New England states. Close co-operation between the two houses is now difficult, because the committees of the two houses are not uniformly organized. A great deal is also to be said in favor of having the committees of each of the two houses organized in such a way as to conform rather closely to the organization of the state executive department. Committees of the two houses must necessarily work with, and obtain information from, the executive department of the state government. It would be much more convenient to the two houses and to the executive department if a single organization of joint committees of the two houses were established, with separate committees for each large part of the work of the executive. This would permit the legislative department to obtain information from the executive department much more easily than at present.

Possible improvement

A reproduction of the Senate calendar for June 14, 1921, is given on page 136. This Senate calendar indicates in a general way the status of business in the Senate toward the end of a legislative session. It will be worth while to indicate briefly the steps taken by a bill after

Steps in passage of a bill

Tuesday, June 14, 1921

Next Senate will be.
Next Senate Resolution 82.
Next Senate Joint Resolution 20.

its introduction. Let us take, for example, a bill which was introduced in the House of Representatives and which finally became law through the governor's approval. A reproduction of the first page of this bill, known as House Bill 440, appears on page 138. House Bill 440, giving the Department of Public Works and Buildings greater authority with respect to the construction of hard roads, was introduced on March 17, 1921, by Representative Holaday. It was referred to the Committee on Roads and Bridges, and at once printed. On March 23, this committee recommended that the bill be passed with certain amendments. On March 28 the bill was read the first time. By the rules of the House and Senate the second reading is the stage for amendment. The bill was read a second time on March 29 and was amended. After the second reading the bill was transcribed on the typewriter, in the form as amended, and was then ready for third reading, which came on March 31. On third reading there was an opportunity for debate. After such debate as the members desired, the bill was put on final passage. The roll was called for the "yeas" and "nays," which were entered on the journal. This bill was passed with an emergency clause and the emergency clause made a two-thirds vote, or at least 102 votes necessary. The bill was then taken by messenger from the House to the Senate on April 6, and was referred to the Senate's Committee on Roads, Highways, and Bridges. This committee on April 14 recommended that the bill be passed. The bill was then read the first time on April 21, a second time on April 26, and on April 27 it was read a third time and passed. Here also the final passage was

Steps in passage
of a bill

1 Introduced by Mr. Holaday, March 17, 1921.

2 Read by title, ordered printed and referred to Committee on Roads and Bridges.

A BILL

For an Act in relation to the construction by the State of Illinois of certain durable
hard-surfaced roads upon public highways of the State.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly* That the Department of Public Works
3 and Buildings of the State of Illinois, be, and it is hereby, given full power
4 and authority to construct certain durable hard-surfaced roads, including neces-
5 sary bridges, upon public highways of the State, and to construct said roads
6 under its own immediate supervision, direction and control, or under such super-
7 vision, direction and control of Counties of the State, as may be delegated to
8 such Counties by said Department, and power to make such delegation is hereby
9 conferred on said Department, subject to the approval of the Governor of this
10 State, or under contracts, for such construction to be let on terms and condi-
11 tions prescribed by said Department.

Sec. 2 That Counties of this State, acting through their County Boards,
2 be, and they are hereby, authorized and empowered to take whatever steps may

by roll call, and twenty-six favorable votes were necessary. In order to take effect immediately it required and received a two-thirds vote, or at least thirty-four votes. The bill as passed by the two houses was transcribed on a typewriter, and was then examined by a joint committee of five members (two from the Senate and three from the House), on the enrolling, transcribing, and typing of bills. Upon this committee reporting favorably, the bill was signed by the speaker of the House and by the president of the Senate. It was then presented by the joint committee to the governor for his approval, this committee reporting to each house the day of presentation to the governor. This time was entered on the journal of each house. House Bill 440 was approved by the governor on May 9, and came into effect at once, because of its emergency clause. This bill was first introduced and passed by the House. Had it been first acted upon by the Senate, the procedure in its passage would have been much the same except that action by the House would have followed that of the Senate. Further steps are often involved because of disagreement between the two houses. There are some possible variations in the passage of bills but there must always be (1) separate consideration by each house on three different days, and (2) final passage in each house by at least a majority vote by all elected members, with an entry of the "yeas" and "nays" on the journal.

House Bill 440 had an emergency clause and became effective immediately upon approval by the governor. With this clause it required a vote of two-thirds of the members elected to each house. Without such a clause it would have required only a majority vote of such

Time when laws
take effect

members, but would not have come into effect until the first day of the following July. The General Assembly now remains in session until close to the first of July, and passes the great bulk of its laws near the end of the session. Such laws come into effect on July 1, before there is opportunity to distribute them for the information of the people. Everyone is presumed to know the law. But it is difficult for the citizen to know and to obey a new act of the General Assembly when it may be impossible for him to obtain the text of that act until two months or more after the act has become law.

Governor's share
in legislation

Any bill which is not returned by the governor within ten days (Sundays excepted) after it has been presented to him, becomes law without his signature, unless the General Assembly by adjournment prevents its return. In this case it must be filed, with his objections, in the office of the secretary of state within ten days after such adjournment, or become a law. The governor has the option of signing a bill, or of letting it become a law without his signature, or of vetoing it. The governor's veto power also extends to items in appropriation bills, but the governor must take an affirmative step if he desires any item not to come into effect. It will be noted that in Illinois a bill passed by the two houses of the General Assembly becomes law unless the governor affirmatively disapproves of it, and any item in an appropriation bill comes into effect after its passage, unless affirmatively disapproved. Before acting upon any bill, it has for a number of years been customary for the governor to refer it to the attorney-general for an opinion.

The Senate agreed to House Bill 440 as it passed the House. In many cases, however, the Senate will amend and pass a House bill. In that case, the bill must go back to the House of Representatives, and it is returned by messenger to the House with a statement that the Senate has passed it with certain amendments. When this message reaches the House, it is in order for the House to concur in the Senate's amendments, or to non-concur, or to non-concur and request a conference. If a conference is requested, the House appoints a committee for that purpose, and the Senate appoints a committee to confer with the House committee. After a conference, each committee reports back to its own body. The disagreeing house then acts upon the report of the conferees, and action is subsequently taken by the other house. In the last days of the session, no very strict formality is observed in respect to the form of agreeing to conference reports. A conference committee ordinarily reaches an agreement, and its report is signed in duplicate by all of the members of the committee, or by a majority of those of each house, and one of the duplicates is retained by the committee of each house. In case either house disagrees with the report of a conference committee, a second conference may be requested.

Conference
committees

To complete the picture of the work of the General Assembly, it is necessary to comment more fully upon certain other matters regarding the process of legislation.

Process of legis-
lation

No definite legislative program is submitted to the General Assembly when it meets. Each separate office of the state government naturally thinks to some extent of the types of legislation it desires. Official organiza-

Absence of
program

tions of county and local officers, and some unofficial bodies, may have specific measures which they desire to see adopted. Cook County, the city of Chicago, the Sanitary District of Chicago, and various other local government areas oftentimes desire specific pieces of legislation. Occasionally, commissions are appointed at one session to report to the next session upon matters relating to some specific problem. However, little in the way of a consistent policy of legislation is worked out in advance of the session. The members of the General Assembly ordinarily devote the preceding year and a half to their own affairs. Nothing in the way of a definite program is worked out in advance of the meeting of the General Assembly by responsible groups.

The lobby

The lobby is almost as important in legislation as the two houses of the General Assembly and the governor. There is no serious objection to legislative lobbies when such lobbies are definitely open and above board. In view of the fact that proposed legislation is not prepared in advance, and that no real policy of legislation is worked out preceding the session, the lobby is really another name for the forces presenting themselves to the members of the two houses for and against particular pieces of proposed legislation. The labor group, for example, is one lobby. The manufacturing and commercial forces, oftentimes opposed to the things desired by the labor group, and also desiring certain legislation themselves, form another lobby. The Anti-Saloon League constitutes one of the most effective lobbies, and the opposing forces constitute another lobby. The agricultural interests also constitute a lobby. Inasmuch as the General Assembly is the one body for the establishment

of future state governmental policies, all of the organized forces of the community, desiring or fearing the establishment of a new policy, naturally seek to bring their influence to bear upon legislation. The term "lobby" is applied as a means of designating all of these forces, although the forces themselves may be viewed either as a whole or as a series of more or less separate lobbies. A lobby oftentimes begins before the legislative session, and seeks to bring influence to bear in the nomination and election of members who are to form the General Assembly. Much of what may be termed "lobbying" is done by the writing of numerous letters to members of the General Assembly. Each member probably receives thousands of letters during a session for and against particular measures, and there has been a greater and greater tendency to resort to telegrams. Many of these letters and telegrams are of a form type and can be readily traced to a single source.

The practice of holding hearings upon important matters of proposed legislation is of great value, and has had a large development in Illinois during the past few years. Hearings for the purpose of obtaining information are important and valuable. However, in many cases, hearings by legislative committees upon proposed legislation in Illinois have degenerated into demonstrations upon the part of interests favoring and opposing particular pieces of legislation. The legislative bodies, oftentimes under pressure, plan that those upon one side of an issue shall have an opportunity to make a great demonstration with large bodies of people assembled from different parts of the state. It is understood that those on the other side shall later have an oppor- Hearings

tunity to make a similar demonstration. Demonstrations of this sort have come to be known in Springfield as "field days," although the term "field day" is also applied to the giving up of a specific day in either house to some one matter of great popular interest.

Organization of
lobby

A lobby composed of representatives of civic organizations is also found at each session of the General Assembly. Such representatives are interested primarily or largely from the standpoint of public interest, although each such organization has to some extent its special interests and its special fields of activities. These civic lobbyists, if they may be so called, are always in the minority. The lobbyists who represent certain special types of interest, which may be altogether legitimate in themselves, always outnumber those who are ostensibly and in many cases actually representing high civic interests alone. The city of Chicago, the Cook County government, the Sanitary District of Chicago, and to some extent the big park districts lying within the city of Chicago devote a great deal of the time of some of their highly paid employees to the work of lobbying during a legislative session. But these are not the only governmental agencies which lobby. Every state department interested in new legislation or in defeating proposed legislation devotes, and under our present organization must almost necessarily devote, a great deal of its time to legislative matters. Where the governmental problems of a local community are as large as those of Chicago, the community itself has the means and will employ it to organize a lobby in its own interests. The smaller communities, however, cannot afford to do this, and they must rely to a greater extent

upon their state organization of county and city officials for the purpose of bringing influence to bear upon matters of legislation. They seek to accomplish by combination what the larger bodies may accomplish singly.

It has sometimes been suggested that the Illinois General Assembly is in many respects a mere passive instrument upon which the different forces desiring legislation register their will. This is not true, because the forces which are brought to bear upon legislative bodies are diverse and contradictory forces. But it is often true that the result in legislation is more clearly determined by the preponderance of forces brought to bear upon legislative bodies than by intelligent and reasoned activity of members of the General Assembly themselves.

Influence of outside forces

Legislation, as it is finally enacted, is the result of various forces. Much of the success of a legislative body depends upon team work, and some continuity of membership is substantially essential. Where a group of people have not previously had the experience of working together, little is likely to be accomplished unless they are able quickly to develop a definite leadership. The word "compromise" is sometimes applied to the result of legislative action as if it involved something sinister, and the word has a sinister meaning if it relates to a compromise of principle. Most issues of legislation, however, are ones not so much of principle, as of getting a definite unity back of a workable plan. Issues of fundamental principle are much less frequent than are issues of expediency, and "compromise" is a necessary element in obtaining legislation.

Compromise in legislation

One of the most serious problems in connection with legislation in Illinois presents itself in what may be

End of session rush

termed the end of the session rush. In the Fifty-first General Assembly (1919), of the 242 Senate bills passed in the House of Representatives, 179 were passed on and after June 4. Of the 228 House bills passed in the Senate, 194 were passed on and after June 4. Of the 261 House bills passed in the House, 92 were passed on and after June 4. The two houses were continuously in session from January 8, 1919, to June 20, 1919, and yet from June 4 to June 20 much more than half of the work of passing bills was done in each of the two houses. From June 4 to June 20, final action was taken on more than three-fourths of all of the laws enacted.

Hasty legislation

The last two weeks of a legislative session are converted into a succession of roll calls. The enactment of bills is a very rapid performance in which undue haste is essential if the measures are to get through before adjournment. The two houses ordinarily take a recess of about ten days in order to give the governor time to act upon measures which come to him at the end of the session. Of the 361 bills passed in 1921, only 60 had been acted upon by the governor before the General Assembly took a recess on June 19. The two houses reconvened on June 30. Thus, the governor within a very few days had to act upon a great mass of legislation passed by the two houses, when a sufficient amount of care and attention could not be given to them.

Effect of legislative rules

Although the present rules of the two houses of the Illinois General Assembly have gradually developed, they seem to have been planned for the purpose of producing a great rush of business at the end of the session. Under the rules and the procedure of the two houses, the individual member is substantially in command of each step

with respect to the bills which he has introduced. After the bill is introduced and referred to committee, there is no limitation upon the time when the committee shall report. The individual member, if he desires to delay the bill or fears the result, may not push the reporting by the committee, and the committee ordinarily waits until the individual member brings some pressure to bear. After the committee has reported the bill, even if the committee reports promptly, the member who introduced it, or who is in charge of it in either house, may not urge it to second reading or to third reading and vote, either because of lack of interest or because of a fear of the result. It may be that he feels that the chances are better in the turmoil of the last few days of the session. It is true that daily calendars of the House and Senate indicate an order of bills, but the order in which bills actually come up in the House depends more upon unanimous consent (which means primarily the speaker's consent) than it does upon any order on the calendar. This is not so true of the Senate as of the House, but, to a large extent, it is true of both. In both the House and the Senate there are no rules which force a consideration or disposal of bills by committees or by the two houses in the order in which they are presented. The degree of promptness with which a bill is urged for consideration depends chiefly upon the individual member who presents the bill or who is in charge of it. The order of business in the two houses is dependent not so much upon the calendar or upon the order in which business is presented as upon the will of the individual members with respect to when their matters shall receive consideration. Thus, procedure in the House is largely

in command of 153 individual members, and in the Senate largely in command of 51 individual members. Steering committees are sometimes appointed and are quite busy at the end of the session, trying to determine what shall and shall not be brought to a vote. But until near the end of the session the individual members determine the status of business, and this lack of leadership necessarily produces a situation of turmoil at the end.

Tabling bills at
end of session

A few days before the time set for the final recess of the two houses, formal motions are made in each house that all bills which have not obtained a certain status shall be tabled. For example, if the Senate and House have decided to take a final recess on June 20, a bill which has been introduced in the House but has not passed first reading in the House on June 16 must be tabled because it has no opportunity of passage. If a bill is on first reading in the House on June 16, it must, in order to pass, have two separate further days of consideration in the House, and three days of consideration in the Senate, a total of five days. Though it is possible to have all of the steps taken in four days by passing the bill in the House on one day, and obtaining its first reading in the Senate on the same day, this is not so easily done.

Need for legisla-
tive leadership

The end of the session rush, with the final "slaughter" of perhaps the greater number of bills introduced during the session, is a necessity so long as the command of procedure in the two houses rests with the individual members. If a more orderly procedure were planned, each bill would have a better chance of consideration, and the powers of the individual member strengthened. In Massachusetts, whose legislature meets annually and

passes more laws than does the Illinois General Assembly, there is no rush at the end of the session.

THE GOVERNOR'S VETO

Reference has already been made to the steady increase in the governor's veto power. Under the constitution of 1870, as amended in 1884, the governor has a veto not only of bills but also of items in appropriation bills. Under the constitution of 1818 the governor and the judges of the Supreme Court shared a veto power, but their disapproval might be overcome by a majority of the members of the two houses. By the constitution of 1848, the veto power was vested exclusively in the governor, but might be overcome by a majority of the members elected to each of the two houses. Since 1870 a vote of two-thirds of the members elected to each of the two houses has been necessary to overcome the governor's disapproval of a bill, or of an item in an appropriation bill. In 1869 Governor Palmer disapproved seventy-two bills, but seventeen of these bills were passed over the governor's disapproval. Of the four hundred and five bills vetoed between 1870 and 1919, only two were passed over the governor's veto.

The effectiveness of the governor's veto is made stronger by the present practice with respect to the ending of the legislative session. The General Assembly now continues in session until about the middle of June, and then takes a recess until about the end of that month. A few of the members, sometimes a quorum but never a sufficient group to give a two-thirds vote, return to a single day's final session to hear the governor's veto messages upon bills and upon items of appropriation.

The veto

Governor's
action really
final

bills. There has been substantially no opportunity in recent years to overcome the governor's veto upon the great mass of legislation. Some laws are enacted by the two houses and sent to the governor during the course of the session, but the great mass of proposed legislation, and substantially all of the appropriations, come to the governor after the final recess of the General Assembly. Because of this, the governor's veto power, although constitutionally it may be overcome by a two-thirds vote of the members elected to each house, is actually final. The absence of any further session at which the veto might be overcome makes this necessarily the case. Through his veto power, therefore, the governor has practically the final word as to what laws shall come into effect. Since 1903 the governor has vetoed an average of about thirty of the laws passed at each session of the General Assembly.

Veto of appropriation items

The governor's check on appropriations has also in recent years been an effective one through the veto of items. The governor has no power to veto parts of items, but must either approve or disapprove of an item as a whole. Between 1884 and 1900 the governor made little use of his power to veto items in appropriation bills. Since 1903, however, a large use has been made of this power. Items amounting to \$1,000,040 were vetoed in 1913; \$1,000,925 in 1915; and \$6,900,492 in 1921.

LEGISLATIVE LEADERSHIP

Leadership within the legislative bodies

Within the legislative bodies themselves there must necessarily exist some degree of leadership, in order that the work of the two houses may be done. The speaker of the House, by virtue of his position and of the fact

that his consent is substantially necessary for the prompt consideration of a measure, occupies an important position. Upon his ability depends to a large extent the effectiveness with which the work of the House of Representatives is done. The majority and minority floor leaders are also important elements in the leadership of the House, as are the chairmen of the more important committees, such as the committees on the judiciary and on appropriations. In the Senate, the lieutenant-governor is the presiding officer, though the Senate chooses a temporary president to act when the lieutenant-governor is not present. Leadership in the Senate rests usually in a small group of members, who ordinarily serve also as chairmen of such important committees as the committees on the judiciary and appropriations. For some years, the leadership in the Senate has rested in the hands of three or four prominent members.

When the governor and the two houses of the General Assembly are in political agreement, as they usually are in Illinois, the governor has the possibility of exercising a large degree of leadership in the work of legislation. The governor is required to send messages to the General Assembly, and he has a large authority over the work of the two houses through the veto power. The Senate has some control over the governor through the approval of his appointments, and the two houses together must be relied upon to make appropriations desired by the executive department. The governor is a single individual as contrasted with two large and somewhat unorganized groups, and has therefore a large opportunity for leadership. By conferences with leaders of the two houses, by messages and by suggestions of possible

Governor's
leadership

veto, the governor may have a large degree of control over the bills passed by the two houses, without actually exercising his veto power. The governor's power and leadership are apt to be greatest when they are established by close, personal relationship and upon the basis of mutual confidence, rather than by threats or attempts at coercion.

Reasons for gov-
ernor's leadership

The governor is elected each four years in November. At the time of his election there are also elected all of the members of the House of Representatives, and about one-half of the members of the state Senate. If the governor has made his campaign upon certain definite issues, and if he has committed his party to those issues also, he comes to his first session of the General Assembly, which meets in January of the succeeding year, with great prestige and with large influence. His influence is much enlarged at this time by the fact that he has power to appoint to a number of offices. Governor Lowden in his first legislative session (1917) found it much easier to obtain the passage of the Civil Administrative Code (providing for a complete state administrative reorganization) because he at once announced that no appointments to office would be made until this legislation had been enacted. His position was strengthened by the fact that he succeeded a Democratic administration, and that the natural expectation was that Democratic appointees would be superseded by Republicans. Many members of the two houses hoped to have some influence in the appointments finally made or to receive some degree of political favor through such appointments. They were naturally more amenable to executive influence so long as such appointments were unmade.

It is common in Illinois to refer to the first session of the General Assembly under a new governor, as the "governor's session," and to the session which comes in the middle of his term as the "members' session." Naturally, when he is first elected, and elected at the same time as a legislative body with which he is to work, and when he has patronage to distribute, a governor is more powerful than in the middle of his term. At that time the governor meets a legislative body whose House and half of whose Senate have been elected at a time different from that of the governor, and when the governor has ceased to have a large amount of patronage at his disposal. However, exceptions occasionally occur to what has just been said. If the governor and the two houses are of opposite political parties, the governor's influence is not likely to be much greater in the first of these sessions than in the second. Sometimes a governor will so antagonize members of the two houses that he has little influence in his first session. Occasionally it will happen that the governor, by personal relationships or by personal prestige, will have a leadership in his second session almost if not equally as great as that in his first. Governor Lowden's leadership in his first session was established largely by careful preparation, in advance of the session, of the one important measure that he most desired—the Civil Administrative Code; and in the second session, by somewhat similar preparation with respect to an important measure—that of abolishing the State Board of Equalization and establishing the State Tax Commission. It must be borne in mind, however, that here, as in other relationships of life, one of the chief elements is that of personality.

Variations of gov-
ernor's power

Legislation an
amateur function

We have in this country no legislative bodies composed of experts, and it is doubtful whether we can or should have such bodies. The chief purpose of a legislative body is that of reflecting the popular opinion upon matters of governmental policy, and this function can best be performed by a rather large group of persons whose relationship to the voter is close. The Illinois General Assembly ordinarily meets some five and one-half months out of each two-year period, and the members must in the interval devote their attention to gainful occupations. Even when the General Assembly is in regular session, the members must maintain some relationship with their private occupations. The task of legislation, as it is organized in Illinois and the other states of this country, is therefore an amateur function. No man can become an expert upon all of the problems to be dealt with in a legislative session, and also devote the greater amount of his time to his private business. Of course, individuals who are re-elected to the General Assembly time after time over a period of sixteen, twenty, or more years develop a high degree of expertness in the procedure of legislation; and some of the tasks of legislation, such as that relating to appropriations, thus obtain a continuity and expertness of a rather high character. However, the measures coming before one session of the General Assembly vary materially from those coming before the next session, and continuity of service does not necessarily give much expertness in dealing with the new problems as they arise.

Chief legislative
task

The task of the General Assembly of Illinois is chiefly that of appropriating for the support of state government, or passing laws providing revenue to meet the

appropriations so made; and of legislating with respect to problems which present themselves in connection with state and local administration. The state executive department is the chief body to which appropriations are made, and is the body which administers the appropriations after they are made. The state and local administrative organizations are constantly in existence, and must administer the laws enacted by the General Assembly. The General Assembly may therefore be termed a temporary body of popular representatives legislating for a permanent state and local administrative organization. The problems of appropriations and of state and local administration are highly complex and difficult. The General Assembly ordinarily comes into session without there being any carefully worked-out policy as to what legislation is desired in these respects.

Since 1917 this statement has not been so true as to appropriations. By the terms of the Civil Administrative Code, enacted in 1917, a Department of Finance was created under the governor, for the purpose of administering the appropriations made to all parts of the executive department directly subordinate to the governor. It was made the duty of this department to obtain estimates of needed appropriations from each department of the state government, and to revise these estimates. The director of finance submits to the governor in writing his estimates of revenues and appropriations for the succeeding two-year period. It becomes the duty of the governor, not later than four weeks after the organization of the General Assembly each two years, to submit a state budget:

Appropriation
policy

embracing therein the amounts recommended by him to be appropriated to the respective departments, officers, and institutions, and for all other public purposes, the estimated revenues for taxation, and the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation

Under this legislation, the governor in 1919 for the first time submitted to the General Assembly a carefully prepared program as to revenues and expenditures. The State Tax Commission is within the Department of Finance, so that this department has the opportunity of working out and of presenting to the governor a careful program relating to the finances of the state. With respect to this large duty of the General Assembly, therefore, the relationships of the governor and the General Assembly are more adequately planned, and a program is prepared in advance of the session of the General Assembly for its consideration.

Need for legislative program

It is unfortunate that a similar program of needed legislation relating to the state and local administration is not worked out by the permanent executive organization, and presented to the General Assembly when that body meets. The program as to the state budget, presented by the governor, is one whose adoption lies entirely in the discretion of the two houses; so also would any program of proposed legislation relating to state and local administration. The careful working out of such a program in advance of the meeting of the two houses would in no way be a usurpation or an attempt to usurp legislative powers upon the part of the executive department. On the contrary, it would result in making the legislative department more effective, by giving it a

definite program upon which it may act. The work of legislation in this and other states is largely haphazard and purposeless, and this very fact is responsible for the disrespect in which legislative bodies are held by a large part of the population.

Under the constitution of Illinois, legislation may be termed a hazardous occupation, for the various limitations upon legislative power, and upon legislative procedure, make it extremely difficult to enact laws without conflict with the constitution. With the organization of the legislative bodies, highly complex and cumbersome, it is remarkable that the Illinois General Assembly should be as efficient as it has been. Not only are there numerous constitutional hazards in the task of legislation, but many of the clauses of the constitution have been given no definite meaning by the Supreme Court of the state. The General Assembly may oftentimes incur a serious hazard in passing laws, although acting with full knowledge of all of the decisions of the Supreme Court interpreting the constitution of the state. The court may, by a change of attitude or by a decision upon a new question, hold legislation unconstitutional, although great care had been used in its preparation and enactment.

A simplification of legislative organization and procedure is necessary. Such a simplification, and the development of some machinery to work out and submit a proposed legislative program to each session of the General Assembly, may accomplish a great deal toward restoring the state legislative body to the confidence of the people. The present lack of confidence is due almost as much to the people as it is to legislative inefficiency.

Hazards of legislation

Need for confidence in legislatures

Many legislative actions that have been most strongly condemned were forced by popular clamor. In such cases, the legislature merely reflected popular sentiment. A representative body will usually reflect popular sentiment no matter how able it may be.

Local representa-
tion

The Illinois General Assembly and all other state legislative bodies in this country are organized upon the plan of representing local areas. Each member of the Illinois General Assembly comes from a local district, and must be a resident of that district. He must, in order to obtain re-election, look after the interests of that district, so far as they are likely to be affected by proposed legislation. The General Assembly is therefore to a large extent not a representation of the people of the whole state, but rather a group each of whom represents a specific portion of the state. This situation in itself makes difficulty, and has been partially responsible for the increased power granted by the constitution to the governor over legislation. The governor is elected by the people of the entire state, and may be regarded in many ways as more distinctly a representative of the state as a whole than are the two houses of the General Assembly. It is however desirable that there should be a representation of the different local interests throughout the state, by members chosen from districts. It is at the same time desirable and necessary, from the standpoint of legislative efficiency, that there be some influence, such as that of the governor representing the state as a whole. There should also be something in the nature of a permanent organization to prepare a definite program for the approval or disapproval of the General Assembly. Such an organization can best be built up

around the governor, who is constantly in touch with the problems of legislation; and who must administer or supervise the local administration of laws after they are enacted.

A step toward such a permanent organization was taken in 1913 through the creation of the Legislative Reference Bureau, controlled by a board composed of the governor, as chairman, and the chairmen of the House and Senate committees on judiciary and appropriations. This board of five members chooses a permanent secretary, whose function it is to collect information about matters of legislation; to prepare bills upon request in advance of the legislative session; and to aid members of the General Assembly during the session in the preparation of bills or in the collection of information about matters presented for legislation. The members of the General Assembly, and governmental departments, both state and local, ordinarily wait to prepare their bills until the General Assembly is actually in session. It is then too late to prepare in a satisfactory manner all of the bills that are to be introduced, and to collect all of the information that may be desirable about proposed legislation. The task of preparing for legislation is a continuous task, although the task of enacting legislation may well be vested in a body meeting during only a portion of the time.

Legislative
Reference
Bureau

STUDY QUESTIONS

1. Get rules and committee lists of the two houses from the *Handbook of Illinois Legislature*, which is issued each two years. Organize as a legislative body and consider some important measure. Your local members of the House or Senate can probably furnish copies of the *Handbook*.

- 2 When the General Assembly is in session, follow the progress of the more important bills from week to week. Pay particular attention to the bills introduced by the members of the House and Senate from your district. The Legislative Reference Bureau, Springfield, publishes during the session a weekly *Legislative Digest*, giving a summary of each bill, and a statement of its progress.

For a good, unofficial comment upon legislative work from week to week, write to the Legislative Voters' League, 11 South La Salle Street, Chicago, for the weekly issues of the *Assembly Bulletin*.

- 3 Get and study the veto messages sent to the General Assembly by the governor at the most recent legislative session. For a general study of the governor's veto power, use N. H. Debel's *The Veto Power of the Governor of Illinois*, "University of Illinois Studies in the Social Sciences," Vol. VI, Nos. 1 and 2.
4. What is the initiative? What is the referendum? To what extent are these institutions used in Illinois? What are the arguments for and against their extension to state legislation? For detailed facts as to these institutions, see *Constitutional Convention Bulletin No. 2 on The Initiative, Referendum and Recall*, issued by the Legislative Reference Bureau, Springfield.

CHAPTER VIII

THE STATE EXECUTIVE DEPARTMENT

DEVELOPMENT OF THE STATE EXECUTIVE

The constitution of Illinois provides that the executive department "shall consist of a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general" All of these officers except the treasurer hold for terms of four years, and all but the superintendent of public instruction are elected at the same time. The superintendent of public instruction is elected each four years, the last election having taken place in 1922, while the next election for other state officers is in 1924 The state treasurer is elected in November of each even year, his term being for two years only A number of states limit the term of governor and of other elective state officers to two years. It is fortunate for Illinois that the term of governor is fixed at four years, for a shorter term practically brings a new election before a governor has had an opportunity to acquaint himself with the administrative affairs of the state.

Election and
term

For all of these state officers, the returns of election are sent to the secretary of state, directed to the speaker of the House of Representatives. After the organization of the House of Representatives, these returns are opened in the presence of the two houses, and the persons

Canvassing elec-
tion returns

having the highest number of votes are declared elected. Contested elections are determined by the two houses by joint ballot. Sometimes the House of Representatives has failed to elect a speaker promptly, and this passing on the result of the election cannot be done until the House has organized by electing its speaker. Although the constitution provides that the constitutional officers shall hold office from the second Monday of January next after their election, the General Assembly does not meet until the Wednesday after the first Monday in January. If the organization of the House is delayed for a number of weeks, the new officers have their terms shortened to this extent, and the old officers hold over until the new officers are seated.

The governor is
chief executive

Although the constitution specifies that the executive department shall consist of six elective state officers, it also provides that "the supreme executive power shall be vested in the governor." It gives the governor the veto power over legislation, and also authorizes him to fill vacancies in the other elective state offices. The governor also has an express power to grant "reprieves, commutations and pardons." He is commander-in-chief of the military and naval forces of the state, and is recognized in this and other ways as superior to the other elective state officers.

Governor's
appointing power

By the constitution it is provided that the governor shall nominate and, by and with the advice and consent of the Senate, appoint "all officers whose offices are established by this constitution, or which may be created by law and whose appointment or election is not otherwise provided for." In creating a new office, the General Assembly has power to determine how appointment to

that office may be made, subject to the condition that the General Assembly itself may not make the appointment. With the growth of the things which the state has undertaken, and the consequent growth of the state administrative organization for the purpose of doing these things, it has been natural that the power to appoint to office should be vested in the governor, and this has usually been the case. The General Assembly may vest appointing power in the governor alone or with the advice and consent of the Senate. Although the governor has oftentimes been authorized to make appointments without the approval of the Senate, the common practice is to vest that power in him, subject to the Senate's confirmation.

By the terms of the constitution any officer appointed by the governor is subject to removal by the governor "for incompetency, neglect of duty, or malfeasance in office." The Supreme Court of Illinois has taken the view that the governor's power of removal extends not only to those whom he alone appoints but also to those whom he appoints subject to confirmation by the Senate. The Supreme Court has taken the view that in the exercise of this power of removal the governor's action is final.

Power of
removal

With each new activity undertaken by the state government, it was common to create a new office for the handling of this activity, vesting appointment to that office in the governor, either with or without confirmation by the Senate. In this manner, there had developed by 1917 more than one hundred separate boards, offices, and commissions. With this increase in state offices came an expansion in the governor's authority through his power of appointment and removal.

Growth of state
administration

But the very number of these offices made it practically impossible for the governor to have any real control over them. The possibility of effective supervision was still further reduced by the fact that each of these offices had statutory powers to some extent conflicting with the powers of other independent offices. Although it was out of the question for him to exercise any real supervision over all of these independent offices, the governor's time was, to a large extent, frittered away with relatively immaterial details regarding them.

Consolidation of
charitable insti-
tutions

Until 1909, each of the state charitable institutions was under the control of an independent board. Each was subject, it is true, to some general supervision by a state board of charities, to which each institution was required to make reports. A Board of Administration was created in 1909, consisting of five members appointed by the governor with the consent of the Senate. To this board was given complete administrative control of the charitable institutions. This consolidation of eighteen institutions under one organization simplified the governor's task to a very large extent, and brought distinct improvement in the charitable institutions themselves.

The Civil
Administrative
Code

But new offices, boards, and commissions continued to be created, and by 1917 the governor's task of controlling these independent offices was probably greater than ever before. In view of this situation the General Assembly created in 1913 an Efficiency and Economy Committee to investigate the work of the state executive department. This committee's report, made in 1915, recommended a complete reorganization. This reorganization was accomplished by the passage of the Civil Administrative Code in 1917. Under this code pre-

viously independent boards and commissions were consolidated into nine departments whose directors are appointed by, and responsible to, the governor. The departments so created are the departments of finance, agriculture, labor, mines and minerals, public works and buildings, public welfare, public health, trade and commerce, and registration and education. Through them the governor is able to exercise an effective supervision over the state administration. Under this plan the governor can actually exercise the powers which were already supposed to be in his hands, and is now made responsible. By making it possible to place responsibility, the voters have a more effective control over government. Through a better control of state financial administration, the governor is given by the terms of the code an effective means of exercising authority over that portion of state administration conducted by appointive officers.

In 1919, the cumbersome State Board of Equalization, composed of twenty-five elective members, was replaced by a State Tax Commission of three members, appointed by the governor with the approval of the Senate. This commission was given broader powers than had the State Board of Equalization, and in 1921 its membership was increased to five.

State Tax Commission

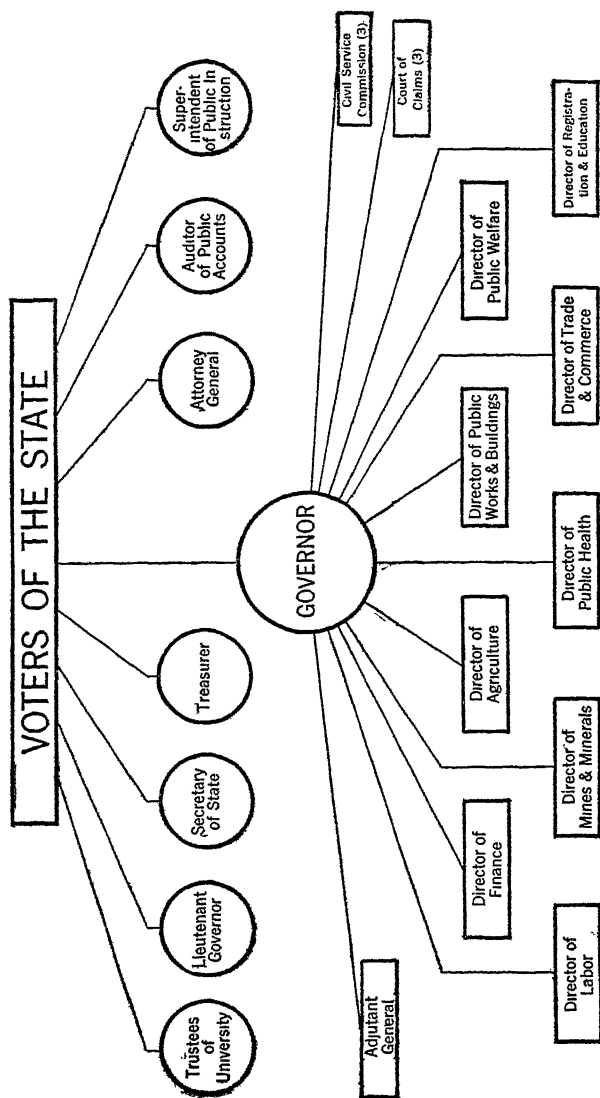
The legislation of 1917 and 1919 has materially simplified the administrative organization of the state under the governor, and has made it possible for the governor to exercise a real control over the part of the state executive government under his authority. Chart VI shows the state executive organization.

Administrative consolidation

The greater part of the state executive administration is now under the direct and effective control of the

Extent of governor's authority

CHART VI



Illinois state executive organization. Circles represent elective officers; rectangles, appointive officers

governor, through the nine departments, and through other officers appointed by him. For the biennial period, 1919-21, there were appropriated to the nine departments under the Civil Administrative Code a total of \$30,694,132, as against \$4,095,675 for the expenses of the elective state offices. This indicates roughly the relationships between the executive work directly under the governor and that under the elective state officers.

The state executive department through its various activities touches every part of the state. It will be wise for each student of government to analyze the respects in which the state executive organization touches his community. The most important thing in connection with the state government is the work which it does, but the organization for the doing of this work determines to a very great extent how well the work will be done. The state executive organization centers in Springfield, and most of the offices and employees for the doing of state work are at Springfield. But the state must do its work in the communities where the detailed work is to be done, and for this reason offices have been established in Chicago for a number of state activities. In connection with such matters as grain inspection, offices have been established elsewhere than Chicago. State employment offices are found not only in Chicago but also in East St. Louis, Peoria, Rockford, Springfield, Rock Island, Decatur, Danville, Bloomington, Joliet, and Aurora. State factory inspection is carried on in all parts of the state where there are factories; the inspection of mines in all parts of the state where mines are in operation. There are fish and game wardens operating over substantially all parts of the state. The Department of

Activities of
executive depart-
ment touch
whole state

Public Health supervises public-health matters over all parts of the state, and the Highway Division supervises the work of highway construction and maintenance throughout the state. Similar statements may be made as to nearly every activity carried on by the state government.

The governor
and law enforce-
ment

The constitution directs the governor to "take care that the laws be faithfully executed," but does not give him power to perform his duty. The governor is but one, although the most important one, of a group of elected state officers, who divide with him the powers of the executive department. State laws are in the main enforced throughout the state by locally elected officers, over whom the governor has little control. Although the head of the executive department, charged with law enforcement, the governor must depend for such enforcement upon numerous independent agencies, over which he has little effective supervision. The organization of these agencies is discussed in chapter xiv.

ELECTIVE STATE OFFICERS

Lieutenant-
governor

The governor, as the chief elective state officer, has been discussed above. The lieutenant-governor's chief function is to preside over sessions of the Senate, and to act as governor in the absence or disability of the governor of the state. To a large extent his function is that of succeeding to the office of governor in case of that officer's death. The constitution provides that the lieutenant-governor shall succeed to the governorship, and that the further succession is the president of the Senate, and the speaker of the House of Representatives. The constitution provides that no person shall be eligible to the office of governor or lieutenant-governor who has

not reached the age of thirty and been for five years preceding his election a citizen of the United States and of this state

The secretary of state has by statute a large number of functions, in connection with the chartering of corporations and the collection of corporation taxes, the control of securities, the execution of the automobile law and collection of automobile license taxes, and the conduct of elections. The secretary of state is also ex officio librarian of the Illinois State Library. He distributes state documents; supervises the preparation and publication of the session laws biennially enacted by the General Assembly; is the official keeper of records of the state; and furnishes certain types of supplies to other state offices. His duties are, therefore, not only extensive but varied in their character. A copy of the latest biennial report of the secretary of state should be obtained and analyzed, in order to determine the type and magnitude of problems presenting themselves in his office.

Secretary of
state

The auditor of public accounts issues warrants for all money drawn from the state treasury. He is also charged by statute with the supervision of banks and building and loan associations

Auditor of public
accounts

The state treasurer is the custodian of the moneys of the state. All moneys paid into the state treasury are paid in on orders signed by the auditor of public accounts. By legislation of 1919, the state treasurer is required to advertise for bids from banks for the deposit of state moneys, and to open these bids publicly in the presence of the auditor of public accounts and the director of finance. The state treasurer himself approves or rejects the bids, and deposits state moneys only in the

State treasurer

banks whose bids have been approved. The state treasurer holds office for two years, and is ineligible to succeed himself. It is thought that the frequent change in this office affords a better means of safeguarding the custody of the state money.

Superintendent
of public instruction

The superintendent of public instruction has large powers by statute over the public-school system of the state. His position in the public-school system is discussed in chapter xiii.

Attorney-
general

The attorney-general has by statute been given large powers in connection with the collection of the state inheritance tax, and more recently in connection with the enforcement of the prohibition legislation of the state. He is the legal adviser of all departments of the state government, and represents the state in the courts.

APPOINTIVE STATE OFFICERS

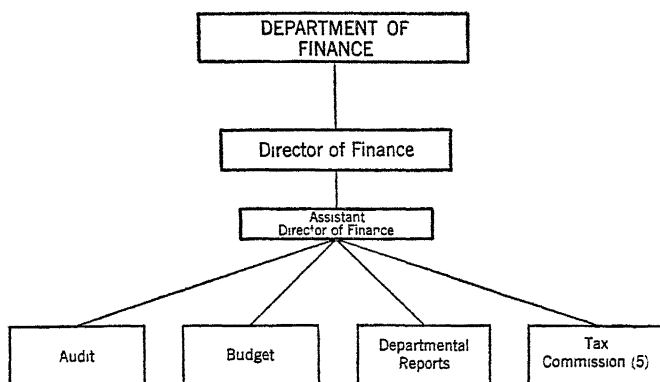
Appointees
of governor

The governor's control over the executive department is chiefly exercised through the nine heads of departments established by the Civil Administrative Code. The heads of these departments are each appointed by the governor with the advice and consent of the Senate to serve during his term. The heads of a number of divisions in these departments are appointed by the governor in the same manner. The governor also appoints the adjutant-general, and through him controls the militia of the state. He appoints a civil-service commission for the administration of the state civil-service law; and also appoints a so-called "Court of Claims," which is really not a court but an administrative body created for the purpose of passing upon claims presented against the state government. The constitution provides that no suits shall be brought against the state,

and this machinery has therefore been created in order to make it easier for parties having claims against the state to present their claims and to have them investigated.

The departments under the Civil Administrative Department of Code are so important that the work of each must be Finance outlined briefly. The Department of Finance prepares

CHART VII

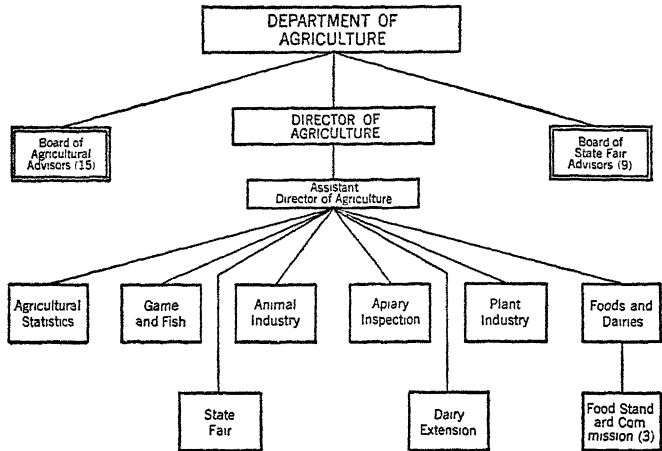


Organization of the Department of Finance

a proposed state budget, composed of the biennial estimate of appropriations and of state revenues in order to meet state expenses. The state budget is submitted to the governor, who presents his recommendations upon these matters to the General Assembly. The Department of Finance also examines each bill presented for payment by offices under the governor's control, in order to determine whether such bills are correct. The Illinois State Tax Commission was established in 1919 for the purpose of taking over the duties of the State Board of Equalization, although with broader powers. The State

Tax Commission supervises assessments for purposes of taxation of real and personal property in the state; equalizes the valuation of property as among the different counties; assesses railroad track and rolling stock; and also assesses the greater number of corporations for the purpose of taxation. The State Tax Commission is a division of the Department of Finance,

CHART VIII



Organization of the Department of Agriculture

although its members are appointed by the governor, and may act independently of the department. The members of the State Tax Commission hold office for a term of six years. Chart VII (p. 171) gives an outline of the finance department.

Department of
Agriculture

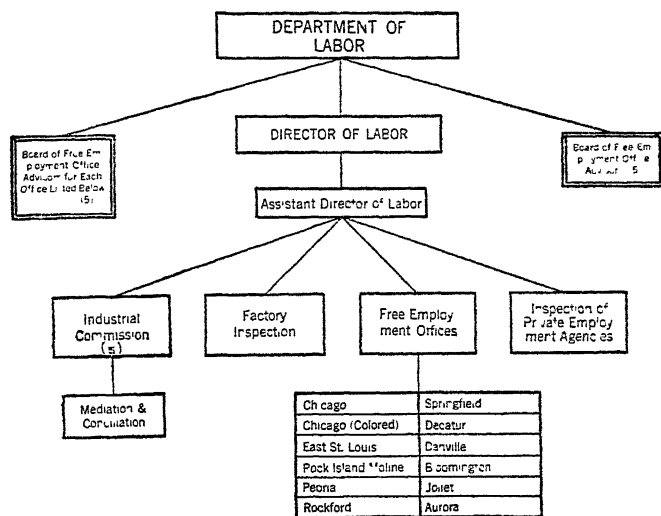
The organization of the Department of Agriculture is outlined in Chart VIII. The titles of the divisions of this department indicate the scope of its work. A

detailed examination of this work for any annual period should be obtained from the report of this department.

Chart IX indicates the organization and activities of the Department of Labor. The Industrial Commission, while within this department, is largely independent of it. The Industrial Commission has supervision over the

Department of
Labor

CHART IX



Organization of the Department of Labor

administration of the Workmen's Compensation Law, under which employers compensate employees in case of injury. The Workmen's Compensation Law was made compulsory as to all hazardous employments in 1917. The work of this commission is of distinct importance in its bearing upon the relationship between employers and employees in this state, and deserves special study.

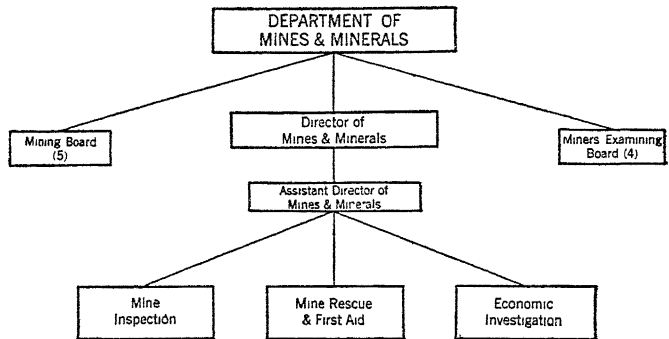
Department of
Mines and
Minerals

Chart X outlines the Department of Mines and Minerals. The work of examining miners is conducted by a board of four members, each of whom must have had at least five years of practical and continuous experience as a coal miner.

Department of
Public Works
and Buildings

The work of the Department of Public Works and Buildings is sufficiently indicated by Chart XI. The division of highways in this department has supervision

CHART X

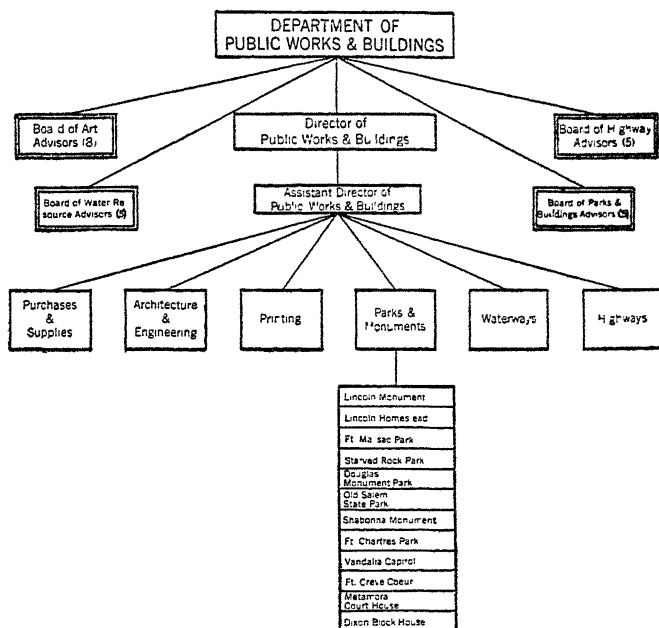


Organization of the Department of Mines and Minerals

over the highway policy of the state, and controls the expenditure of the \$60,000,000 voted by the people of Illinois in 1918 for a comprehensive system of hard roads. The division of water-ways has under its supervision the expenditure of \$20,000,000 for a deep water-way, authorized by a constitutional amendment of 1908. The division of purchases and supplies has supervision over all purchases and supplies for the state. The division of architecture and engineering has control over all building and engineering matters concerning state buildings. It controls the construction of buildings for

all of the charitable institutions, normal schools, and penal institutions other than the new penitentiary near Joliet. The division of printing supervises all the printing work of the state, which is done under contract. The division of parks controls the operation of the state parks.

CHART XI



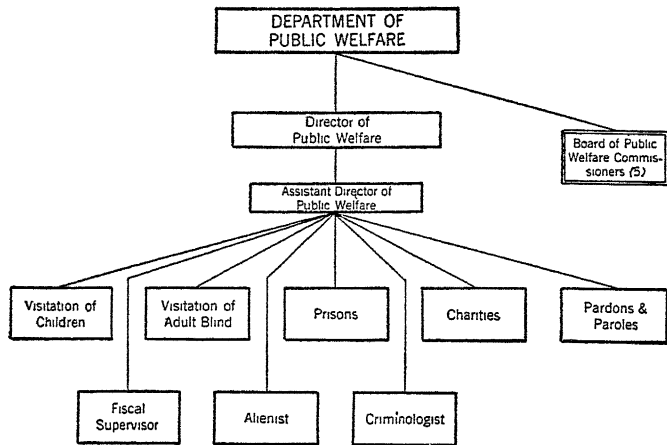
Organization of the Department of Public Works and Buildings

The Department of Public Welfare operates all of the charitable and penal institutions of the state. Through its office for the visitation of adult blind it seeks to alleviate the hardships of those so afflicted. Through its office for the visitation of children, it inspects and controls all institutions within the state for the public or private

Department of
Public Welfare

custody of children. In this department will also be found the office of superintendent of pardons and paroles. The constitution provides that the governor shall have power "to grant reprieves, commutations, and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor." In 1897, the General Assembly

CHART XII



Organization of the Department of Public Welfare

created a State Board of Pardons composed of three members appointed by the governor with confirmation by the Senate, and later this board was authorized to grant paroles to prisoners under certain conditions. By the Civil Administrative Code the powers of the Board of Pardons were transferred to the Department of Public Welfare, and the governor acts upon the recommendations of this department. Chart XII shows the organization of the Department of Public Welfare.

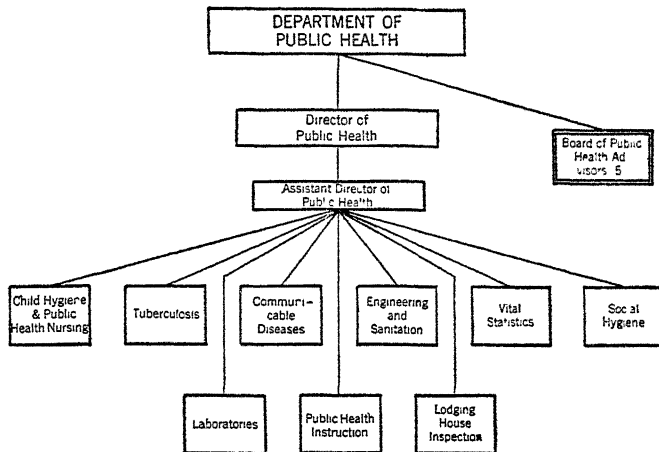
Chart XIII outlines the organization of the Department of Health. From this outline can be obtained an indication in some detail of the work of this department.

Chart XIV outlines the work of the Department of Trade and Commerce. The superintendent of insurance has supervision over insurance within the state, under

Department of
Health

Department of
Trade and
Commerce

CHART XIII

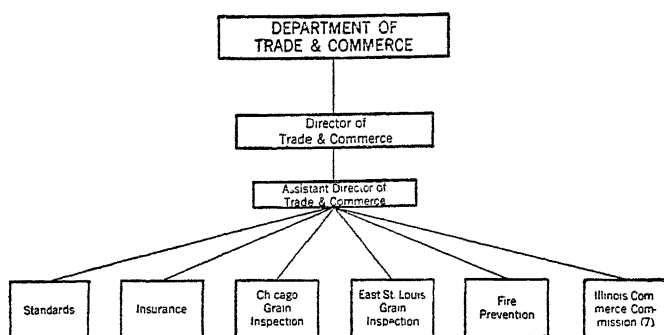


Organization of the Department of Public Health

numerous laws enacted for the exercise of this supervision. Certain types of business, such as those of banking, building and loan associations, and insurance, are regarded as so important from the standpoint of the interests of the state as to require special supervision. The supervision of banks and building and loan associations is under the auditor of public accounts. In recent years the sale of securities has also required definite supervision in the interest of investors, and this supervision has been vested in the office of the secretary of

state. The superintendent of standards has supervision over weights and measures, and legislation of 1921 has extended this part of the state's work. The Illinois Commerce Commission is composed of seven members appointed by the governor for terms of four years, and has supervision over the services and rates of public utilities. The term "public utilities" is defined somewhat at length in the act creating this commission. Briefly it may be said to include all of those businesses

CHART XIV



Organization of the Department of Trade and Commerce

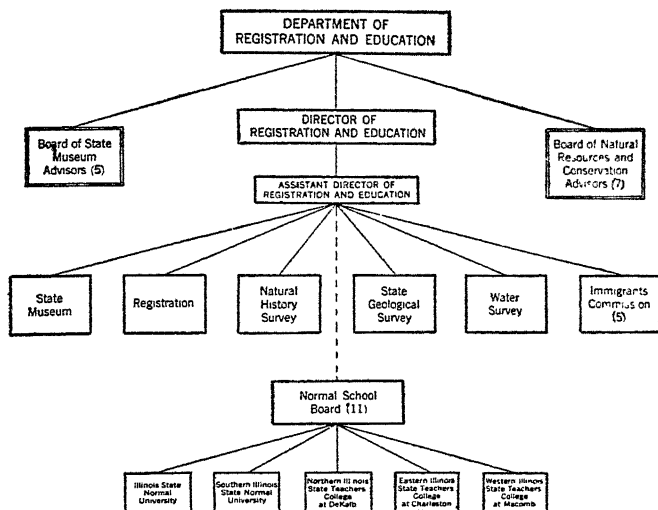
which are required by law to render service at equal rates and under equal conditions to all of the people of the community, such as street railroads, telephone companies, electric light and gas companies, and water companies. The Illinois Commerce Commission, while in the Department of Trade and Commerce, exercises its powers independently of that department

Department of
Registration
and Education

The activities of the Department of Registration and Education are indicated by Chart XV. The state regards a number of professions and occupations as so important from the standpoint of the interest of its

citizens that persons are not permitted to practice such professions and occupations without a license from the state. The Department of Registration and Education has supervision over the licensing of persons who wish to practice most of these professions or occupations. The examinations of individuals desiring to practice are

CHART XV



Organization of the Department of Registration and Education

conducted by groups of persons designated by the department for each profession or occupation. The department also exercises control in connection with the revocation of licenses to practice any of these professions or occupations, although in this matter it acts only upon the recommendation of the professional groups appointed for the purpose of conducting examinations. The Department of Registration and Education also has

within it a normal-school board, of which the director of registration and education is chairman, and of which the superintendent of public instruction is secretary. This board manages and controls the five institutions conducted by the state government for the training of teachers.

THE STATE'S EMPLOYEES

Civil service

With the increasing activities of the state of Illinois the number of its employees has naturally increased. This increase has come mainly within the past twenty-five or thirty years. The state now has about ten thousand officers and employees. The increase in the number of the state's employees has naturally increased the problems of the state as to the manner of employing and discharging those who work for it. To a large extent before 1905, the employees of the state changed with each change in the state administration, and positions in the state service were distributed as rewards for political service. This situation occasioned great difficulty and scandal in the management of state charitable institutions. In 1905, a law was enacted establishing a Civil Service Commission and providing for the appointment of employees in the charitable institutions under the supervision of this commission, and for the removal of such employees only with the approval of the commission. This act was extended in 1911 to state offices in such a manner as to place under the jurisdiction of the commission about 2,700 additional employees, including under the civil-service law about 80 per cent of the entire state service. This law was amended in 1919 so as to reduce the power of the commission as to removals. In

1921, a large number of persons previously under the civil-service law were taken out from under it.

The civil-service law has not worked altogether well, but has proved much more satisfactory than the system which it replaced. A satisfactory solution of the state's problem of building up and maintaining a permanent and skilled group of employees for the conduct of its business has not yet been solved, but a backward step in this matter was taken in 1921. One of the difficulties with respect to state employment is that no uniform classification of employment exists throughout the whole state service. Employees in one office actually receive different salaries from employees doing the same type of work in another office. Although the state Civil Service Commission has apparently large authority over the matter of promotions, no satisfactory plan has yet been worked out by which a state employee may look forward to adequate promotion and increase of salary for the rendering of efficient service. Frequent changes of employees doing state work or doing work for a private employer necessarily reduce the efficiency of the work. The state must, if it is to do its work efficiently and well, work out some employment policy by means of which it will encourage competent persons to seek service in the state employ, and by which it may retain their service, and reward them for efficient and skilled work.

Problem of government service

STUDY QUESTIONS

1. Find out what has to be done by a person to practice any of the following professions or occupations in your community: accountant, architect, barber, dentist, doctor, embalmer, horse-shoer, nurse, pharmacist, real-estate broker, structural engineer, veterinarian.

2. Find out from a state bank in your community what conditions it had to meet in order to become a state bank, and what the state does to regulate its business. Find out what the national government requires as to national banks.
3. What state regulations are applicable to building and loan associations organized in your community?
4. Ask the officers of one of your local corporations how it became a corporation, what reports it must make to the state government, and what taxes it pays as a corporation?
5. If an insurance company has its headquarters in your community, find out in what manner it is subject to state regulation.
6. Find out what safeguards and regulations state law imposes upon factories operated in your community.
7. Do the same as to mines.
8. Locate all state institutions on the map of Illinois. Are there any state institutions or state parks in or near your community, or any free employment or other state offices? If so, find out what they are doing and what is their relationship to the offices in Springfield.

A list of the institutions under the Department of Public Welfare is given below:

Hospitals:

1. For the insane

Elgin State Hospital
Kankakee State Hospital
Jacksonville State Hospital
Anna State Hospital
Watertown State Hospital
Peoria State Hospital
Chicago State Hospital
Alton State Hospital

2. For epileptics

Dixon State Hospital for Epileptics

Research Institutes:

State Psychopathic Institute (Chicago)
Institute for Juvenile Research (Chicago)

Eye and Ear Infirmary:

Illinois Charitable Eye and Ear Infirmary

Institutions for the feeble-minded:

Dixon State Colony for Feeble-Minded

Lincoln State School and Colony

Homes:

Illinois Soldiers' and Sailors' Home (Quincy)

Soldiers' Widows' Home of Illinois (Wilmington)

Illinois Soldiers' Orphans' Home (Normal)

Illinois Home for World War Veterans

Schools:

Illinois School for the Deaf (Jacksonville)

Illinois School for the Blind (Jacksonville)

Illinois Industrial Home for the Blind (Chicago)

State Training School for Girls (Geneva)

St. Charles School for Boys

Penal Institutions:

Illinois State Penitentiary (Joliet)

Southern Illinois Penitentiary (Menard)

Illinois State Reformatory (Pontiac)

Illinois Woman's Prison (Joliet)

Chester State Hospital

Illinois State Farm (Vandalia)

Illinois State Sanitarium (for females over eighteen; no appropriation yet made).

9. Get from the secretary of state, Springfield, the latest annual *Report of the Directors under the Civil Administrative Code*, and make reports upon the work of each department. The adjutant-general's report will also be found in this volume.
10. Do the same with the reports of the secretary of state, auditor of public accounts, state treasurer, and attorney-general. Also get reports of the State Civil Service Commission.

CHAPTER IX

THE COURTS AND THEIR WORK

Types of cases

Courts exist primarily for the trial of cases. The cases coming before them may be divided into two groups: (1) civil cases, involving rights between private parties, and (2) criminal cases involving proceedings brought by the state or some of its subdivisions to enforce the criminal laws of the state or ordinances enacted by subdivisions of the state. A crime may be defined briefly as anything that is prohibited and punished by government. An act may be a crime, and at the same time also give rise to civil rights between the parties. One person may assault and injure another person, and for the assault he will be liable to criminal trial and punishment. The person injured, however, will also have a right to bring a civil suit, and to recover damages for the personal injury done to himself. The one act may thus give rise to two forms of proceedings. Looked at from the standpoint of government, it is a criminal act and subject to prosecution; while, looked at from the standpoint of the injured party, it is an act giving rise to a civil proceeding for damages.

CIVIL CASES

Law and equity cases

Civil cases are of two kinds, which may be designated "law" cases and "equity" cases. The English common law very early in its development became fixed and definite, so that the remedies it had developed did

not satisfactorily meet all of the cases which were presenting themselves. For this reason, there began to develop in England, in the fourteenth century, a jurisdiction in the royal officer termed the "chancellor," to give relief in cases where the regular courts had not developed remedies through the common-law procedure. This jurisdiction of the chancellor was at first an authority derived from the British king to grant relief in difficult cases where the regular courts were not available. As the chancellor's authority grew from century to century, it became more definite, and a body of principles termed "equity" developed. There is no logical distinction between what is termed "law" and what is termed "equity." The chief distinction is that the rules of equity developed later, and supplemented in many ways the rules administered by the regular courts. The rules of "law" and the rules of "equity" are in Illinois administered by the same courts, though in many states the distinction between the two has been entirely abolished. In Illinois, however, the Circuit Court and the Superior Court of Cook County, sitting as general trial courts, try "law" and "equity" cases by a somewhat different procedure. At one time the court sits as a law court and at another time as an equity court.

Let us take several specific illustrations to show the relationship between law and equity. The court sitting as a law court tries actions for damages after an injury has occurred; sitting in equity, the court, in a proper case, issues an injunction forbidding the commission of a wrongful act. In the latter case, the court of equity, in a proper proceeding, seeks to prevent the occurrence of an injury; whereas the court sitting as a law court

Remedies in law
and equity

tries an action for damages occasioned by an injury already committed. Both types of cases will present themselves, and some judicial method of giving relief in both is necessary. The trial at law gives relief in one case and the procedure of the court acting as a court of equity gives relief in the other case. Let us take another illustration to aid in making the distinction clearer. The regular English courts developed complete machinery by which one party may bring a suit for damages against another party for the violation of a contract. No method was devised by the "law courts," however, for the enforcement of the terms of a contract. Circumstances occasionally present themselves in which a suit for damages against the person violating his contract does not present an adequate remedy. A contract may have been made between two parties for the transfer of a specific piece of land, and no other piece of land may be available for the particular purpose of the person who was to buy the land. Relying upon an agreement by which he might buy the land, this person may have incurred a large amount of expense or may otherwise have put himself to serious inconvenience. Equity has developed a remedy for the specific enforcement of contracts in such cases, supplementing the remedy available in the law courts. If one has an adequate remedy available at law, the court acting as an equity court will ordinarily do nothing for him. Thus "equity" may be said to be a body of rules supplementing the remedies given by a court acting at law.

Practical distinction between law and equity

The chief practical distinction between cases at law and cases in equity is that a court in trying a civil case at law must ordinarily act with a jury; whereas a court

of equity does not necessarily have a jury in any case. In equity cases the judge will occasionally call a jury merely for the purpose of advising him.

The constitution of Illinois provides that "the right of trial by jury as heretofore enjoyed shall remain inviolate; but the trial of civil cases before justices of the peace by a jury of less than twelve men may be authorized by law." If the parties demand it, a jury may be had in all civil cases at law. For trials before a justice of the peace, the General Assembly has, under the constitutional power given to it, provided that a jury shall consist of six, or such other number not to exceed twelve, as either party may demand. In civil cases brought in the Municipal Court of Chicago, either party may demand a jury, but the party demanding it must pay a fee of eight dollars in order to obtain a jury trial. This does not interfere with his constitutional right to a jury trial, because he may have a jury as a matter of right without payment in the Circuit or Superior courts of Cook County. Out of more than 66,000 cases filed in the Municipal Court in 1919, jury trial was demanded in only about one case out of twelve.

In all civil cases at law, the parties may agree to trial without a jury, or may agree to trial by a jury of less than twelve members. If a jury trial is had, the jury renders its verdict only by an agreement of all of its twelve members. This requirement of unanimous verdict is one which has been done away with in civil cases in a number of other states. There is no need for a unanimous decision in such cases. What often happens in a civil suit for damages is that one member of the jury will think that damages should be awarded for quite

Jury in civil cases

Unanimous verdict

a large sum, and perhaps others think that no damages should be awarded or that a smaller sum should be decided upon. The twelve jurors will finally reach a unanimous verdict by averaging up the views, running all the way between the highest extreme and the lowest extreme. Verdicts in civil cases must, in many instances, be the results of compromise, but a compromise of this character is undesirable and may be highly unjust.

Delay in civil
cases

In the trial of civil cases, both at "law" and in "equity," there is a great deal of delay. Sometime ago the jury calendars of the Circuit and Superior courts of Cook County were two years or more behind. In civil cases, if a party seeking a judicial remedy has to wait for one or two years, or even for six months, the possibility of his obtaining justice is very much reduced. His witnesses may die or move away; and various obstacles will exist, when the case finally comes to trial, which would not have presented themselves at the beginning. In a great number of cases, delay in the courts constitutes a denial of legal remedy for wrong equally as much as would failure to provide any remedy at all.

Arbitration of
disputes

On account of delay in the trial of civil cases, a greater and greater reliance is being placed upon the arbitration of disputes. The parties to the dispute agree in writing to submit their controversy to one or more arbitrators, and also agree that the decision of these arbitrators may be the basis for the judgment of a court. The arbitration law of Illinois was revised in a satisfactory manner in 1917. The arbitration of disputes is a highly desirable institution, even if the courts afford immediate trial and relief in civil cases. But the judicial machinery needs to be much improved, in order for the courts to settle

promptly and satisfactorily the cases that actually come before them. It is desirable that the parties should submit their disputes to arbitration, not only because this relieves the court from the necessity of determining the case, but also because it is better where possible that the parties should settle their disputes in a friendly manner rather than by bringing suit in court.

It is also highly desirable, however, that many of the occasions for dispute between parties should be avoided. When two parties enter into a written contract, or when an individual makes a will, many disputes can be avoided by care in the preparation of these documents. An ounce of prevention in the careful planning of all of the terms of a contract between two parties is worth a pound of cure in the effort to settle in court or otherwise disputes regarding the terms of the contract, after such disputes have arisen.

Avoidance of
disputes

CRIMINAL CASES

The constitution of Illinois provides that no person shall be tried for a criminal offense otherwise than on indictment of a grand jury, "except in cases in which the punishment is by fine, or imprisonment otherwise than the penitentiary, in case of impeachment, and in cases arising in the army and navy, or in the militia, when in service in time of war or public danger." At the same time, the constitution permits the abolition of the grand jury in all cases, but the General Assembly has not exercised its power to abolish the grand jury. Consequently, every person who is criminally tried must first be indicted by a grand jury, "except where the punishment is by fine or by imprisonment otherwise than

Grand jury

in the penitentiary," or by both such fine and imprisonment. The laws of Illinois provide for a grand jury of twenty-three members, but sixteen may transact business. In order to present an indictment, twelve members of the grand jury must agree.

Indictment

When an indictable crime has been committed, any justice of the peace or judge of a higher court has authority to issue a warrant for the arrest of the accused person. When a complaint is made to a judge or justice of the peace, he must examine under oath the person who makes the complaint, reduce the complaint to writing, and cause it to be sworn to. A warrant for the arrest of the accused person is then issued, and he is brought before a judge or justice of the peace for a hearing. Upon a hearing the person so arrested may be held to await action of the grand jury. It is the duty of the state's attorney to submit to the grand jury bills of indictment against persons whom he may think to be offenders, and who have not been held to await action by the grand jury, as well as against those who may be so held. The grand jury may act upon matters not presented to it either by the court or by the state's attorney. The grand jury hears only the witnesses against the accused person, and after hearing such witnesses presents its indictment to the court, if it thinks the accused person should be indicted.

Information

The grand-jury system leads to delays, because in all of the smaller counties of the state the circuit court meets only at fairly long intervals each year. The impaneling of a grand jury must ordinarily await the terms of this court, although city courts may also impanel grand juries. The grand jury is needed for the investiga-

tion of particularly flagrant cases of violation of the law, in which a state's attorney may be unwilling to proceed because of political considerations. However, a grand jury is needed only in occasional instances. Under the laws of Michigan, a grand jury may be employed when the judge thinks it proper, but otherwise all accused persons are tried on the basis of an "information." The term "information" merely means a formal charge against an accused person, not presented by a grand jury. In Illinois, an information may be used in all cases in which a grand jury is not required by the constitution. By statute all the criminal cases tried in the Circuit Court or in the Criminal Court of Cook County are prosecuted only on indictment. In criminal cases that may be tried before justices of the peace, and those in the Municipal Court of Chicago, in which punishment is by fine only, prosecution may be begun by affidavit of any competent person. In criminal cases before the county court and in cases before the Municipal Court which may result in imprisonment, prosecution is on the basis of an information which may be presented by the state's attorney, attorney-general, or by any other person. When it is presented by any other person, the court must satisfy itself that there is probable cause for filing the information. Both indictment and information are merely methods of presenting criminal charges to a court for trial. The more cumbersome method of indictment is still used to a great extent in this state.

The constitution guarantees the right of trial by jury in all criminal cases. Trial by jury means a jury of twelve persons from the county in which the offense is alleged to have been committed. A unanimous verdict is required in all criminal cases. A person brought to

Jury in criminal cases

trial for a criminal offense may plead guilty and thus avoid a jury trial. No other method, however, exists for the trial of criminal cases, unless the party himself is willing to plead guilty. Pleading guilty, of course, makes a jury trial unnecessary, because the accused admits the very thing which the jury is to decide.

Courts of equity
as aids in en-
forcing criminal
law

In criminal cases it is oftentimes difficult to obtain conviction even though the evidence of guilt is conclusive, where the sentiment within the county is strongly in favor of the accused. For example, in a number of cases, efforts were made by state's attorneys to obtain convictions for the violation of certain parts of the liquor law in Cook County, but without success. The procedure of indictment by grand jury and trial by jury is a cumbersome one, and oftentimes results in an ineffective enforcement of the law. Courts of equity proceed without the necessity of a jury, but courts of equity have no criminal jurisdiction. In some cases, however, a court of equity is, by the statutes of this state, used as an aid in the enforcement of the criminal law. For example, the prohibition enforcement act of 1921 provides that buildings used for the manufacture or sale of liquor shall be public nuisances, and authorizes certain public officers, or any citizen of the county, to maintain a bill in equity to enjoin the maintenance of such a nuisance. The court, acting as a court of equity, hears the application for an injunction, and if it decides that there is ground for doing so, it issues the injunction. Violation of the injunction then becomes "contempt of court," punishable without jury trial by the court which has issued the injunction. In this way, a court of equity acting without a jury may, by injunction, forbid the

maintenance of buildings for a certain purpose, and may punish in a summary manner the violation of that injunction.

The laws of Illinois provide in detail as to the manner of impaneling grand juries and juries. A jury list is made up from the legal voters of the county. This list contains not less than one-tenth of the legal voters of each town or precinct in the county, and is prepared by the county board in counties having a population of less than 250,000. In Cook County the list is prepared by three jury commissioners who are appointed by a majority of the judges of the courts of record in the county. It is required to contain the names of all voters between the ages of twenty-one and sixty possessing the necessary qualifications of jurors.

Impaneling
juries and grand
juries

The attorney-general of the state and the state's attorney of each county have important duties with respect to the administration of the criminal law. It is the duty of the state's attorney to prosecute all criminal offenses, and as has already been suggested, he has definite duties with respect to the grand jury as well. The attorney-general may, and oftentimes does, appear and aid the state's attorney in the prosecution of offenses. Although the attorney-general and the state's attorneys are the legal representatives of the state in criminal prosecutions, the case is in the hands of the court after an indictment or information has been presented, and may not be discontinued without the court's consent. However, the state's attorney has such a close relationship to the machinery of bringing indictments that indictments are not ordinarily brought without some action on his part. After an indictment or information

Attorney-
general and
state's attorney's

is presented, the state's attorney may delay the bringing of a case to prompt trial, and if he thinks it proper, he may recommend to the court that the case be "nolle prossed." He files what is termed a "nolle prosequi," announcing that he will proceed no farther. The court may proceed farther if it desires and may decline to enter the "nolle pros." But in the prosecution of criminal cases the court is practically at the mercy of the state's prosecuting officers. It is for this reason that the effectiveness or ineffectiveness with which the law is enforced in any county depends fully as much upon the state's attorney of that county as upon the courts.

Pardons and
paroles

With respect to criminal trials, several other matters should be referred to. It has already been suggested that there is in the Department of Public Welfare of the state a superintendent of pardons and paroles; and that the Department of Public Welfare acts upon all applications for pardons before such applications go to the governor. The state also has what is termed a "parole law." A court in sentencing a convicted person in certain cases imposes a definite term of imprisonment, and in certain other cases imposes an indeterminate term of not less than, say, one year and not more than ten years. The Department of Public Welfare is then authorized, under certain conditions, to parole a prisoner after he has served a certain number of years or a certain proportion of his sentence. Persons released on parole are subject to supervision, and, if they violate the conditions imposed by law and by the rules of the department, may be re-arrested and returned to the institution from which they were released. No prisoner is per-

mitted to be paroled within less than one year after commitment to one of the penal institutions.

The state also has a probation law, vesting a discretion in the judge to release upon probation persons convicted in certain cases of lesser offenses. In this case, after the court has entered its judgment, sentence is suspended, and the convicted person is released under certain conditions, subject to supervision through probation officers. The court may terminate his probation, order him re-arrested and, if it sees proper, enter judgment, and impose the sentence which might have been originally imposed. Probation

ORGANIZATION OF THE COURTS

The courts are the organization through which the government administers justice. When Illinois was a frontier state the organization of courts was simple. As the state has developed, the amount of business to be transacted by the courts has naturally increased, and with this increase has come an increased complexity in the organization of the courts. It is natural that for a county with the population of Cook County and a city with the population of Chicago the judicial business to be transacted should be great and should require a more elaborate judicial organization than that required in rural portions of the state. It is also natural that the organization of the courts should be somewhat more complex in the counties having large industries and large cities than in those which are primarily agricultural. The judicial system of the state of Illinois has developed without any definite plan, by the addition of more judges and of more courts, as new needs have presented them- Development of judicial organization

selves In connection with judicial organization we have had the same type of development as took place in the executive organization of the state before 1917; and as has taken place in local government through the multiplication of new districts for the conduct of different types of local governmental activity.

Jurisdiction
defined

Certain terms used in discussing the judicial organization should be defined. The term "jurisdiction" is employed to mean the authority of a court with reference to the trial of cases. By "original jurisdiction" is meant the jurisdiction to try a case in the first instance. By "appellate jurisdiction" is meant authority in the court to try cases on appeal from other courts. The same court may have certain jurisdiction that is original and certain other jurisdiction that is appellate. A court is said to have general jurisdiction when its authority is broad and extends to substantially all types of cases. The circuit courts of Illinois (and the Superior Court of Cook County) are in this sense said to have general jurisdiction, because they are the courts which have the broadest jurisdiction for the trial of cases.

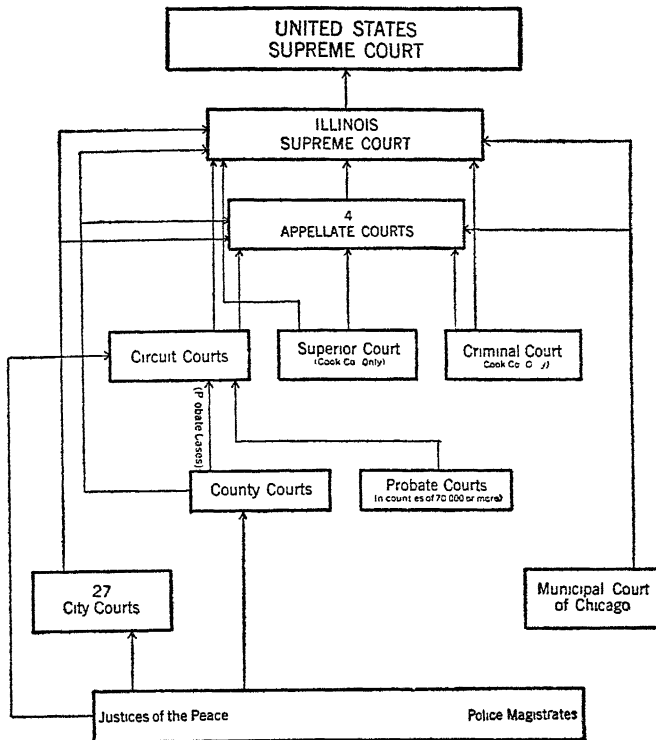
Chart XVI outlines the judicial organization of the state.

Justices of the
peace

Justices of the peace are chosen in each civil town of counties under the township system of government, and in each election precinct in counties not under the township system. Police magistrates having the same jurisdiction as justices of the peace will be found in almost all cities and villages. Justices of the peace are elected by the voters for four-year terms, and, although chosen from smaller areas within each county, have a jurisdiction extending throughout the whole county. Justices

of the peace and police magistrates have jurisdiction in civil cases where the amount claimed does not exceed \$300, and in criminal cases where the punishment is by

CHART XVI



Judicial organization, state of Illinois Lines and arrows indicate direction of appeal

fine only and does not exceed \$300. They also have a criminal jurisdiction for the purpose of conducting preliminary examinations and committing accused persons

Justices of the
peace

to await the action of the grand jury Under a constitutional amendment of 1904, justices of the peace have been abolished within the limits of the city of Chicago. Justices of the peace are paid by fees. The justice system does not work satisfactorily, although it is necessarily used to a large extent in smaller cases. There are too many justices of the peace provided for by law, and in order to get fees, a justice of the peace must obtain business. It has therefore become the practice with many justices that in civil matters they decide in favor of the person who brings the case before them. Inasmuch as the plaintiff decides where the case shall be brought, it is rather common, therefore, that justices of the peace shall decide in favor of the plaintiff. Either party may demand a trial by a jury of not less than six nor more than twelve persons before a justice of the peace, but in some parts of the state jury trials before justices are infrequent. From justices of the peace an appeal lies in all civil cases to the county, circuit, or city court, according to the choice of the party appealing. If an appeal is taken, an entirely new trial is had on the appeal.

County courts

Each county has a county court, which has exclusive original jurisdiction in probate matters in all counties except those in which probate courts have been established. The county court has jurisdiction over tax matters, and is given exclusive jurisdiction in insane cases, insolvent debtors' proceedings, and assignments for the benefit of creditors. It is given concurrent jurisdiction with the circuit court on appeals from justices of the peace, in eminent domain cases, contests of elections for certain offices, and drainage matters. In the

counties containing Chicago, East St. Louis, Springfield, Galesburg, Danville, Cairo, Rockford, Bloomington, Freeport, and Peoria, and perhaps other cities, which have adopted the City Election Commissioners Act, the county judge appoints the election commissioners, and has general supervision over the election machinery for these cities. The county court also has concurrent jurisdiction with the circuit court in certain civil cases where the amount involved does not exceed \$1,000, and in non-indictable criminal cases where the punishment is not imprisonment in the penitentiary or death. The county court is to a large extent a court to deal with local administrative problems such as those concerning tax matters, elections, and the insane. In all counties not having over 70,000 inhabitants, the county court also has jurisdiction in probate matters. Appeals in probate matters go to the circuit court, where an entirely new trial is had.

For the organization of circuit courts the state is divided into seventeen judicial circuits, exclusive of Cook County. Cook County constitutes a separate circuit. Three judges are elected in each circuit for a term of six years. Each circuit outside of Cook County contains more than one county. One circuit has but three counties, while another has as many as twelve counties. The circuit court receives its name from the fact that the judges go on circuit. The three judges divide the work of a circuit among themselves. If there is one large county in the circuit, such as St. Clair County, for example, one of the three judges will devote practically all of his time to a single county, and perhaps receive some assistance even as to that county from

Circuit courts

the other judges. The remainder of the time of the other two judges is devoted to the other counties. The constitution requires two or more terms of the circuit court to be held each year in each county, and by law detailed provisions are made as to the time of holding circuit court and the calling of juries in each county. If the three circuit judges in any circuit disagree among themselves, the chief justice of the supreme court divides up the work of that circuit.

Circuit and
Superior courts
of Cook County

For the general trial work in Cook County there are two courts, each with the same jurisdiction, the circuit court having twenty judges and the superior court having twenty-eight judges. These forty-eight judges exercise for Cook County the same jurisdiction as that exercised by the circuit judges in the seventeen circuits outside of Cook County. They also receive assistance from judges of down-state circuits, under a plan which permits the lending of judges from one court to another. The circuit courts in the circuits outside of Cook County try civil and criminal cases. For Cook County, however, the constitution provides for a separate criminal court, which exercises all of the criminal jurisdiction of a circuit court. Terms of the Criminal Court of Cook County are, however, held by one or more of the judges of the Circuit or Superior courts of that county, as determined by the judges. In December, 1919, there were four Circuit Court judges and four Superior Court judges holding Criminal Court for Cook County. The assignment to the criminal court is for one year, though occasionally a judge is reassigned from year to year. The Circuit, Superior, and Criminal courts of Cook County with forty-eight judges do much the same work as the three

judges for each of the seventeen circuits outside of Cook County.

Appellate courts, intermediate between the circuit and the supreme court, are authorized by the constitution of 1870. There are four appellate districts, Cook County constituting one. In the appellate district which constitutes Cook County there are a main appellate court and two branch courts, organized in the same manner as the main court. The work of the Appellate Court is done by circuit judges assigned to that duty by the Supreme Court. Judges of the Superior Court of Cook County are also assigned to duty in the Appellate Court. Three judges are assigned to each appellate court and to each branch. Nine Circuit and Superior judges in Cook County sit on the Appellate Court for that county and give all of their time to this work. The appellate judges for the other three districts are chosen from among the circuit judges within the boundaries of the appellate district, and the work is of such a character that they do not have to give all of their time to it.

The appellate courts were created largely because it would overburden the Supreme Court to hear all appeals taken from trial courts. In order that this result may be accomplished, the appellate courts have been given jurisdiction in appeals from final judgments, orders, or decrees of the circuit courts and of the Superior Court of Cook County, and of the county and city courts, in any suit or proceeding other than (1) criminal cases which are not misdemeanors, (2) cases involving a franchise or freehold, or (3) the validity of a statute, and certain other cases, which will be enumerated in the discussion of the Supreme Court. Under legislation enacted in 1909,

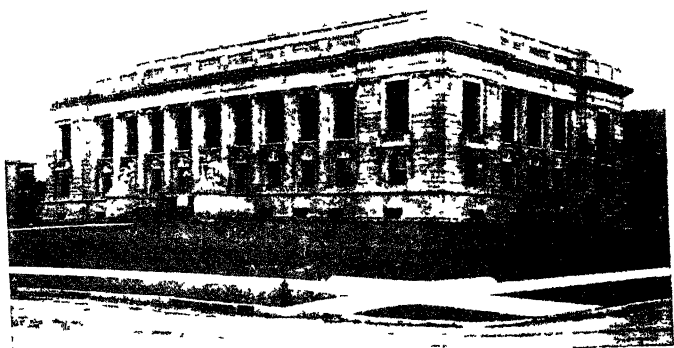
the decisions of the appellate courts are so far as possible made final in the cases coming before them, so as to accomplish the purpose of relieving the Supreme Court. The Supreme Court itself may, under certain conditions, order cases brought to it from an appellate court for review. A majority of the judges of the appellate court may determine that a case is of such importance that it should go to the Supreme Court.

Supreme Court

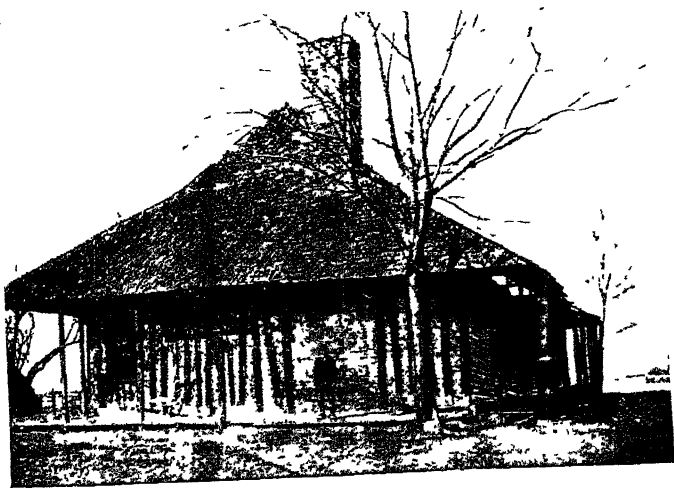
The Supreme Court is composed of seven judges, and the state is divided into seven districts, from each of which one judge is elected. The original purpose seems to have been that the districts for the election of Supreme Court judges should be of substantially uniform population. The Seventh District, however (which contains Cook County), in 1920 had a population of 3,307,263, and all of the other districts together had a population of only 3,178,017.

Jurisdiction of Supreme Court

The Supreme Court has, under the terms of the constitution, "original jurisdiction in cases relating to revenue, in mandamus and habeas corpus, and appellate jurisdiction in all other cases." Although the Supreme Court may exercise a large original jurisdiction under the terms of the constitution, it has sought to limit its original jurisdiction as strictly as possible, and declines to hear a case originally if the case can be adequately presented to a trial court. An effort has been made by statute to limit the appellate jurisdiction of the Supreme Court by providing for a final appellate jurisdiction in the appellate courts, wherever possible. Under the constitution, a party has a right to bring certain cases to the Supreme Court. These cases are "criminal cases, and cases in which a franchise or freehold, or the validity of a statute



SUPREME COURT BUILDING, SPRINGFIELD



THE OLD COURTHOUSE AT CAHOKIA

is involved." To this list the following cases have been added by statute: those relating to revenue; those in which the state is interested as a party or otherwise; and those involving the validity of a municipal ordinance and in which the trial judge is of the opinion that the public interest requires review by the Supreme Court. There are a number of other cases in which a direct appeal to the Supreme Court from a trial court may be taken, and these are set out in detail in the statutes. For example, the circuit courts hear cases arising under the workmen's compensation and public utilities acts, and in these cases an appeal lies directly to the Supreme Court. Except for a limited number of cases, however, in addition to those enumerated above an appeal goes directly from the trial court to an appellate court, and cases may then go from the appellate court to the Supreme Court, either by action of the Supreme Court itself, or by action of a majority of the judges of the appellate court. In this way, the Supreme Court is enabled to handle the cases which come to it, and is also in position to limit itself to the more important cases requiring the final determination of the highest judicial body of the state.

After this outline of the general organization of courts in this state, it is possible to indicate the exceptions for more thickly populated areas. The constitution permits city courts to be established for cities and incorporated towns, and by statute provision is made that city courts may be established in any city containing a population of 3,000 or more. In order to establish a city court, the question must be submitted by the city council to the voters of the city, and adopted by a two-thirds vote. City courts may be established to consist of one or more

City courts

judges, but cannot consist of more than five judges. The only city court, aside from the Municipal Court of Chicago, having more than one judge is the city court of East St. Louis, which has two judges. The judges are elected by the voters of the city for four-year terms. In cities having a population of less than 5,000 the judges of the city court receive a salary which is paid out of the city treasury. In cities having a population of over 5,000, the judges of the city court are paid from the state treasury. Within the territory of the city, the city courts have concurrent jurisdiction with the circuit court in civil and criminal cases, and in appeals from justices of the peace. In 1919 there were city courts in twenty-seven cities of the state.

Municipal Court
of Chicago

A constitutional amendment adopted in 1904 authorizes the abolition of the jurisdiction of justices of the peace within the city of Chicago, and permits the establishment of a municipal court. Such a court was created by legislation of 1905. All of the details of the organization and jurisdiction of the Municipal Court of Chicago are prescribed by statute. This court is composed of a chief justice and thirty-six associate judges, each elected for six years, one-third each two years. The Municipal Court of Chicago has all of the jurisdiction exercised in other parts of the state by justices of the peace, and also a wide jurisdiction in other civil and criminal cases, although this jurisdiction is not so great as that of the city courts. The chief justice of this court is separately elected as chief justice, and is given a large amount of authority over the other judges. The court has unlimited jurisdiction of actions upon contracts, and actions for conversions of, or injury to, personal property. It has

general jurisdiction in all classes of common-law cases where the plaintiff does not claim over \$1,000. It has jurisdiction of non-indictable criminal offenses where the punishment is not imprisonment in the penitentiary or death.

In all counties having a population of over 70,000 Probate courts (of which there were thirteen by the census of 1920), a probate court is established which merely takes over from the county court a portion of the county court's jurisdiction. The probate court has, under the constitution, original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlement of their accounts, in all matters relating to apprentices and in cases of sales of real estate of deceased persons for the payment of debts

From the probate court an appeal is first taken to the circuit court, and an entirely new trial is had in the circuit court upon such matters, without reference to what has been done in the probate court.

By state law, provision is made that in counties Juvenile court having a population of more than 500,000, one judge of the circuit court shall be designated to hear cases in the juvenile court. A juvenile court is created for the purpose of hearing all criminal cases coming before the circuit court involving persons under twenty-one years of age. Similar jurisdiction is exercised by the county and circuit courts outside of Cook County.

From the outline given above, it will be noted that Specialization of courts there has been some specialization in the work of the courts of Illinois. Probate courts have been created in the larger counties for the handling of certain specific types of work; and the actual work of the county courts

falls chiefly within certain limited fields. The circuit and superior courts, city courts, and the Municipal Court of Chicago have rather wide jurisdiction, although the circuit and superior courts have the broadest general jurisdiction. Outside of Cook County the number of judges for each court is not great, and there is little need for specialization in judicial work.

Courts in Cook
County

For the portion of Cook County lying within the limits of Chicago eighty-seven judges exercise jurisdiction—twenty circuit court judges, twenty-eight superior court judges, one county judge, one probate judge, and thirty-seven municipal court judges. The Municipal Court of Chicago has a chief justice, with a large degree of authority over the court as a whole; and this court has been organized into a series of specialized branches. The Circuit Court and the Superior Court each has a chief justice and an executive committee, but each judge is to a great extent legally independent, and the two courts are legally independent of each other, although both do the same sort of work. There is therefore little or no organization in these two courts, and not much of relationship between the two. Each of these courts must designate certain of its judges to sit in the criminal court. The criminal-court work is, by the terms of the constitution, rather definitely specialized. The circuit court must, under the terms of statute, designate one of its judges to sit as judge of the juvenile court, and this again gives something of specialization. The circuit court designates certain judges to sit in chancery cases, certain ones to sit in default divorce cases, and certain others to sit in law cases, and a similar assignment of judges is made by the superior court. Within the

city of Chicago the eighty-seven judges exercise jurisdiction in five independent trial courts. No plan has been put into effect by which the work of these eighty-seven judges is done as a single task. This matter is bound up with constitutional provisions but something can be done by state law toward a simplification of the judicial organization for Cook County, and for other counties when their needs become great and complex. The rejected constitution of 1922 sought to simplify the judicial organization of Cook County.

All of the eighty-seven judges who exercise jurisdiction within the city of Chicago must be voted for by the voters of Chicago, and this places a serious burden upon the voters. There is much to be said in favor of the popular election of judges, but some of the arguments in favor of popular election necessarily break down when the people must elect as many as eighty-seven judges. However, the situation is rendered more complex, and the difficulties of the courts are rendered greater, by the fact that the voters of Chicago must also choose the clerk and bailiff of the municipal court, who may much more effectively be chosen by that court itself, and by the further fact that the voters of Cook County elect the clerks of the appellate court, of the probate court, of the criminal court, and of the circuit and superior courts. A court should have the power to appoint its own clerk, and no court can completely command the administrative side of its work so long as clerks of court are elected.

Justices of the peace are paid by the fees which they collect. The salary of the county judge is fixed by the county in which the judge is elected, and the salaries of

Election of
judges

Compensation
of judges

county judges vary from \$300 in Hardin County to \$3,500 in Will County. The salary of the probate judge outside of Cook County is also fixed by the county board, and for Cook County the salaries of county and probate judges are fixed by the county board. The state pays the salaries of city court judges in certain cases. The judges of the Municipal Court of Chicago are paid by the city of Chicago. Circuit court judges are paid by the state, except that the constitution authorizes provision of such further compensation to be made in Cook County as may be provided by law. By state law an annual salary of \$6,500 is paid to circuit and superior court judges, and Cook County is required by law to pay to the judges of that county a sufficient amount to make a salary of \$12,000. The courts are not only agencies for the application of state law, but in the main the judges of such courts receive their compensation from the state. Judges (other than justices of the peace) who have served for twenty-four years, and reached the age of sixty-five, are entitled to a pension.

Need for unified
judicial system

The judicial organization of the state exists for the purpose of doing certain essential work of government, and this work constitutes a single task. The state courts are separate and distinct bodies, and are not organized into a single system for the most effective accomplishment of their task. Chicago and Cook County present the most serious problem in this respect, but the establishment of a unified judicial system for the whole state would improve the administration of justice. Steps in this direction were proposed in the rejected constitution of 1922. Fortunately, some of these steps may be taken by legislative action.

ATTORNEYS

Attorneys are officers of the court, and no one is authorized to practice law in Illinois until he has obtained a license issued by the Supreme Court. The Supreme Court has adopted rules regarding educational and other qualifications for admission to practice law, and has appointed a state board of law examiners which holds several examinations each year. This board recommends to the Supreme Court those whom it thinks should be licensed. The function of the lawyer in the administration of justice is an important one, and without competent and high-minded lawyers the courts are unable to do their work satisfactorily. It is for this reason that the Supreme Court has sought by its rules to establish increasingly higher standards for admission to practice law. Practice of law

. POWER OF COURTS TO DECLARE
LAWS UNCONSTITUTIONAL

Under the type of government adopted in this country, the General Assembly of the state of Illinois enacts laws under the terms of a written constitution. The state constitution is superior to the acts of the Illinois General Assembly, and this is recognized by the constitution of 1870, in its provision that cases involving the validity of a statute may be appealed directly from trial courts to the Supreme Court. The power to declare laws unconstitutional is a power that has developed chiefly in the United States, and is frequently exercised by the Supreme Court of Illinois. Between 1870 and 1913, the Supreme Court of this state passed upon 789 cases involving the constitutionality of statutes, and in Unconstitutional laws

more than one-fourth of these cases statutes were declared invalid. In a very real sense, therefore, the courts may be said to be a part of the law-making authority in Illinois and in other states of this country. The court finally determines in a number of cases each year whether the General Assembly in its enactment of laws has violated the provisions of the constitution. If it thinks that a law enacted by the General Assembly violates a provision of the constitution, the court declares such law or portion of the law unconstitutional and of no effect.

United States
Constitution

The judges of state courts are sworn to support not only the constitution and laws of the state of Illinois, but also the Constitution and laws of the United States. The Constitution of the United States is "the supreme law of the land," anything in the constitution or laws of any state to the contrary notwithstanding. If any law of the state of Illinois is contested before the Supreme Court of this state as in violation of the Constitution or laws of the United States, and the Supreme Court of the state decides that there is no violation of the Constitution or laws of the United States, the party against whom the decision is rendered has the right to take the case from the Illinois Supreme Court to the United States Supreme Court for final decision. If the Illinois Supreme Court decides that the state law is in conflict with the Constitution or the laws of the United States, the Supreme Court of the United States may still require the case to be brought before it, in order to determine whether its interpretation of the United States Constitution agrees with the interpretation given to that Constitution by the Supreme Court of the state.

STUDY QUESTIONS

1. Outline the courts which have authority over your county
2. Find out the amount of work done by each justice of the peace, and what in general is done by each court over you.
3. Get your state's attorney to give you an account of the grand jury, and of its work in connection with the administration of the criminal law in your county.
4. What requirements must be observed in order that one may practice law?
5. If you live in Chicago, find out about the work of the Municipal Court. This court makes a good annual report.
6. Why are entirely new trials had on appeals from justices of the peace?
7. Why are entirely new trials had on appeals from county courts in probate matters, and from probate courts? On this and other matters connected with the courts see *Constitutional Convention Bulletin No. 10*, on *The Judicial Department, Jury Grand Jury, and Claims against the State*, issued by the Legislative Reference Bureau, Springfield
8. How promptly are civil cases tried in your county?

CHAPTER X

GOVERNMENT OF COUNTIES AND CIVIL TOWNS

FORMS OF COUNTY GOVERNMENT

Number and
organization

There are 102 counties in the state of Illinois. No new counties have been organized since 1859. In view of the fact that the southern part of the state was first settled, counties were organized in that section earlier than in other parts of the state. The desire in the earlier days to establish new counties, and the desire in existing counties to hold elections for the changing of county seats led to provisions in the constitution of 1848 limiting the conditions under which new counties might be established or county seats changed. The conditions placed in the constitution of 1848 were largely responsible for the fact that fewer counties were created after that date. These provisions were carried forward into the constitution of 1870 and were materially strengthened, so that no changes in county boundaries have been made since the adoption of that constitution. In view of the difficulty of changing county boundaries, it may therefore be said that county areas for the state of Illinois were determined for the people of the present time by those of a previous generation.

Area and popu-
lation

The counties vary materially, both in area and in population. Twenty-nine counties have less than 400 square miles of area, and several of these have less than 200 square miles, while five counties have an area of more

than 1,000 square miles each. The counties vary in population from about 7,500 in Hardin County to more than 3,000,000 in Cook County. Fifty-two counties had less than 25,000 inhabitants in 1920, and eighteen had more than 50,000 each. Of the fifty-two counties with less than 25,000 inhabitants there were nine with less than 10,000. With counties of such differing areas and populations, the problems of county government naturally vary a great deal throughout the state. The problems of the small counties are not only different from those of Cook County but are also materially different from counties like St. Clair, Sangamon, and Peoria, each with populations of more than 100,000, and each containing a large city.

On the basis of the organization of the county board there are three types of county government in the state of Illinois:

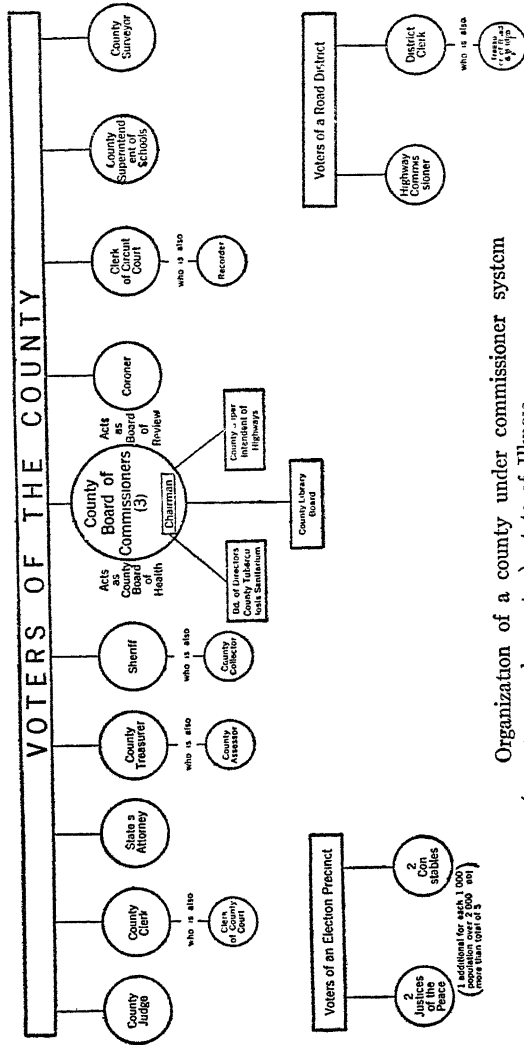
1. The so-called *county-commissioner type*, under which there is a board of county commissioners of three members, elected from the county at large for terms of three years, one each year. There are seventeen counties of this type, mainly in the southern end of the state. Under the constitution and under the laws enacted in compliance with the constitution, each county has a choice between this type of organization and what is termed "township organization."

Chart XVII gives an outline of the organization of the seventeen counties under the commissioner system. It also shows the officers who do the work of the county. It should be noted from this chart that election precincts and road districts do a portion of the work done by civil towns in counties under the township system. A com-

Types of county government

County-commissioner type

CHART XVII



Organization of a county under commissioner system
(seventeen such counties), state of Illinois

parison of this chart with Chart XVIII will indicate the differences between counties under the commissioner system and counties under the township system.

2. *The township organization.* under which the county is divided into civil towns,¹ and each town elects a supervisor, the supervisors of the towns forming the county board. The size of the county board varies with the number of towns into which the county is divided. For example, the County Board of Putnam County is composed of five members while that of La Salle County has fifty-three members. The supervisors are elected in their towns for terms of two years, and an effort is made to have about one-half of the towns elect their supervisors each year, so that the membership of the county board may be continuous. The larger towns elect assistant supervisors, one for each 2,500 inhabitants over 4,000, and these assistant supervisors also are members of the county board. Eighty-four counties have the township form of organization. These eighty-four include all of the larger counties of the state. The largest county not having the township system (Morgan County) has a population of less than 34,000.

Township
organization

Chart XVIII outlines the organization of counties under the township system. This chart indicates not only the officers who do the work of the county, but also the officers who are elected by the civil town and who do its governmental work.

3. *Cook County type.*—Cook County has also adopted the township system; but here the township organization differs in many respects from that of the other eighty-four

Cook County
type

¹ For the definition of the term "civil town" as used in this volume see p. 24.

counties of this group. The constitution of 1870 prescribes, in some detail, the organization of government for Cook County. This county has a board of fifteen commissioners, ten of whom are elected from the city of Chicago, and five from the territory outside the city. Under the legislation applicable to Cook County, these commissioners are elected for four-year terms, and one member is elected also as president, with certain additional powers. In chapter xii a complete outline is given of the organization of government in Cook County.

COUNTY OFFICERS

The chief governing body of the county is the county board. In addition to the county board the state constitution provides for certain county officers who are elected in each county of the state. These county officers are county judge, state's attorney, county clerk, sheriff, treasurer, coroner, clerk of the circuit court, and a county superintendent of schools whose election is provided by state law. The constitution also provides that for counties having more than 60,000 population, a recorder of deeds shall be elected. The state laws provide, in addition, for a county surveyor in each county, for a county auditor in each county having a population between 75,000 and 300,000, and for a probate judge and probate clerk in each county having a population of over 70,000. Elective officers

While the work of the county judge is judicial in character, still it has largely to do with various administrative problems affecting state and local government. Tax matters, special assessments, and elections all engage the attention of the county judge. County judge

- Probate judge In counties of more than 70,000 there is a probate judge, and a probate clerk is also elected. In these larger counties the probate judge takes over from the county judge duties relating to the probate of wills and the administration of estates
- State's attorney The duties of the state's attorney in connection with law enforcement are referred to in chapter xiv. The state's attorney is also the legal adviser of the county board and of the county officers.
- County clerk The county clerk has a great number of duties. Because of the fact that he comes into relationship with almost all of the branches of the county, there is a tendency to make him the chief administrative officer of the county. He is custodian of the county records, clerk of the county court, and, in counties under 75,000, is county auditor. He has important duties under the primary and election laws, in the assessment of property, and in the extension and collection of taxes. He issues numerous types of licenses and has many other duties.
- County treasurer The county treasurer is primarily custodian of county funds, but in counties under the township organization he is also county collector of taxes. Since the abolition of township collectors in 1917, in counties having a population of less than 100,000, he collects all general property taxes. In counties under the township organization, he is also supervisor of assessments, the assessments of property being made by the assessors of the civil town.
- Clerk of the circuit court The clerk of the circuit court does the work implied in his name. In counties under 60,000 inhabitants he acts as recorder of deeds, and, in counties which have adopted the act for the registration of land titles, the recorder of

deeds is also registrar of land titles. In counties of more than 60,000, there is a separate recorder.

The sheriff is the chief police officer of the county, Sheriff but he has no organized force for the purpose of maintaining order. In the larger counties permanent deputies are provided, and in case of emergency, he may appoint special deputies, organize a *posse comitatus*, or call on the governor for military aid. The *posse comitatus* is the technical name for an ancient English institution which provides that the sheriff may, in the language of the statute, "call to his aid when necessary any person or the power of the county." Every male person above eighteen years of age who neglects or refuses to join the *posse comitatus*, or "power of the county," is subject to a fine. The *posse comitatus* is the power of the county in the sense that the sheriff has a right to call on any male person over eighteen years of age to assist in the enforcement of the law. Such a power is not of very great value in the day-by-day enforcement of the laws of the state. Perhaps the chief duties performed by the sheriff are those of serving writs and orders of courts, of caring for prisoners, and of having charge of the county jail. In counties not under township organization, the sheriff is the district and county collector of taxes.

The office of coroner is an old English office, whose Coroner principal duty is to hold inquests in case of sudden deaths which may be occasioned by violence or other undue cause. These inquests or investigations are a curious survival of ancient times, and serve little useful purpose at the present time. In some states, this work is more satisfactorily done by the appointment of skilled medical examiners, and by leaving to the state's

attorney the investigation as to whether crime has been committed

County superintendent of schools

The county superintendent of schools acts as an agent of the state in distributing state school funds. He inspects, supervises, and advises local school officers, holds teachers' examinations and teachers' institutes, under supervision of the state superintendent of public instruction.

County superintendent of highways

The county superintendent of highways, who is appointed by the county board, but whose qualifications must be approved by the state Department of Public Works and Buildings, is an important officer, and serves as the county agency for state highway construction and maintenance. The county superintendent of highways has supervision over the highway commissioners, who are elected in each civil town, and in each road district in counties not under the township system. He, in turn, is under close supervision of the state division of highways with respect to roads whose construction is aided by the state. It is an interesting fact that, with all of the large group of county elective officers, one of the most important functions of local government should be handled by a county officer who is appointed rather than elected.

County auditor

In each of the counties having over 75,000 inhabitants, except Cook County, a county auditor is elected by popular vote, whose duty it is to audit all claims against the county. It may be said of him, as of the county surveyor, probate clerk, and the clerk of the circuit court, that better service might be obtained by appointment rather than by popular election.

Slight variations in county government

The constitution and laws of the state to some extent recognize that differences in county population create differences in governmental problems. In limiting the

compensation to be paid to county officers, the constitution itself classifies counties according to population; and it permits the classification of counties into three classes for the regulation of fees to be charged by county officers. Population also determines to some extent the number of officers the county will have. However, each county of the state has at least nine elected officers, irrespective of whether it has 7,000 or less than 60,000 inhabitants. It is not until counties obtain 60,000 inhabitants, that any difference in the number of their elective officers is made by the constitution and the laws. For the counties of over 60,000 the difference in the number of elective officers is slight. We have counties ranging from a little over 7,000 inhabitants to more than 3,000,000 inhabitants, and although certain differences are made in the constitutional and statutory provisions for their government, each county elects much the same group of officers.

County government in the state of Illinois is not adjusted in any satisfactory way to differences in the population of counties. Many of the counties are entirely too small for the efficient handling of governmental business intrusted to them. To set up an elaborate and detailed organization of government for small counties similar to that established for the larger counties of the state, is to ignore the actual facts of the situation. Although the salaries are small in the smaller counties, the large number of county officers makes the salary of such officers the chief burden upon county finances. An act passed in 1917 recognizes the fact that small counties acting alone may oftentimes be unable to handle certain of their affairs in a satisfactory manner. This act expressly authorizes counties to unite with one another in

Small counties

erecting and maintaining a poorhouse and other necessary buildings for the maintenance of the poor of such counties.

THE TOWNSHIP SYSTEM

Origin of township system

The early settlers of Illinois came from the South, or from states settled from the South, and were accustomed to an organization of government based upon the county as a unit—to an organization such as that now existing in the seventeen counties having the county-commissioner system. Later settlers came, to a large extent, from New England and from New York and other middle states, which had been accustomed to what is termed the township system—to a system somewhat like that provided by law for the eighty-four counties of the state. For this reason, the constitution of 1848 expressly required the General Assembly to provide for a township organization under which any county might organize, whenever a majority of the voters of the county at a general election should so determine. This provision was continued and somewhat enlarged by the constitution of 1870. Under it and under state laws, the counties outside of the southern part of the state have organized.

Town meetings

The laws passed under these constitutional authorizations, at first contemplated, and to some extent still contemplate, a township system similar to that existing in New England. Under that system all of the voters of the town assemble each year in a town meeting, for the transaction of the more important affairs of the town. The Illinois state law provides for such a town meeting, but it has been found that the voters of the town do not attend. Gradually, for this reason, the importance and the powers of the town meeting have been diminished by the statute

On the whole, the town meeting is now of very little importance and of very little value. It is held in each town annually, and is usually attended only by the town clerk and by some of the other town officers. In some cases, however, the town meeting may still be an institution with some life in it. The officers of the civil town are now elected at elections not dissimilar from those for other elective officers, and most of the powers of the town are exercised, not in town meeting, but by the different town officers and by the boards made up of these officers.

Civil towns cover the whole area of the eighty-five counties that have adopted the township system. The notion of the law has been that these civil towns should be substantially the same as the congressional townships of 36 square miles into which the whole state is surveyed. The civil towns, however, are in many cases larger or smaller, with an average area of 35.3 square miles.

Area of civil
town

To avoid confusion created by the presence of city and town government over the same territory, certain steps have been taken. By an act of 1901, subject to adoption by the electors of a civil town, where such a town lies wholly within any city of more than 50,000 inhabitants, all of the powers vested in such town may be turned over to the county board of the county in which the town is located. By the local adoption of this law, all functions of civil towns entirely within the cities of Chicago and Springfield have been transferred to the county boards of those counties. Where a city has, within its borders, a certain area of territory, the legal voters of such territory may organize into one township, thus making the township co-terminous with the city. Legislation has been in force in this state since 1877 under which the territory

Civil towns and
cities

embraced within any city having not less than 3 000 inhabitants may be organized as a town, or any city of less than 1,500 inhabitants composed of portions of two or more towns may be so organized. The act also provides that substantially all powers vested in such a town should be exercised by the city council, and that the city council may by ordinance consolidate the city and town offices. It has thus been possible to simplify to some extent the government within incorporated cities.

Functions of
towns

The civil town has certain powers with respect to roads and tax assessments. The civil town is also concerned with the duties performed by justices of the peace and constables in the local administration of the law. The town has certain powers which may be exercised in the annual town meeting, but these powers are slight. The town functions are largely negligible, except that the town serves as a local area for the carrying out of certain state functions and that the supervisors elected in the several towns constitute the governing body of the county. With little to do and with certain of its functions badly done, the town is likely to become less, rather than more, important.

Weakness of
civil town

Why is it that the township system of government has not flourished in Illinois as it does in New England? In the first place, the township organization was not one which grew up naturally in Illinois, as it did in the New England states. Here it has been rather an artificial creation of law, without being well suited to our geographical conditions. When a county has adopted a township system of government, the county is divided into an artificial group of towns, whereas in New England the towns were the first to be created, and larger units of

local government are rather the artificial creations. In the second place, the tendency in Illinois has been toward the creation of other local governing bodies for the purpose of doing most of the work of local government. Cities and villages have been established for doing the more important services of local government for the areas which become somewhat thickly populated. A series of school districts has been organized for the conduct of the whole school system, independently of the civil town. The same statement applies to drainage districts, park districts, and to some other types of bodies for the exercise of powers of local government.

The tendency in Illinois has been to diminish the importance of the civil town. The civil town is too small a unit of government for effective service, and so far as possible many types of duties have been transferred from the town to the county. In matters of taxation, for example, the township assessor still continues, and performs inefficiently the duty of making assessments to serve as a basis for the general property tax as levied by all governmental bodies, including the state. In 1898, however, some control over the township assessor was established, through the creation of a county board of review, and also through the plan of making the county treasurer supervisor of assessments, with some authority over the town assessors. It is probable that before many years have passed, the county will be made the chief local area for all assessment of property. In 1917, the office of township collector was abolished in counties of less than 100,000 population. Since 1913, the county has been the chief unit of local government for road administration; and there has been a tendency to use the county to a

Diminished
importance of
town

greater extent in connection with charity and school administration. One of the chief difficulties about using the county for increased functions of local government is that the constitution limits the county tax rate to seventy-five cents on each one hundred dollars' valuation of property, unless a higher rate is authorized by a vote of the people of the county.

THE POWERS OF THE COUNTY

Administrative
organization of
county

The work of the county is partly done by the elective county officers and partly through an organization created under the county board for the handling of charities, road administration, and other matters. Each county has a county superintendent of highways, chosen by the county board from among persons found qualified by the state Department of Public Works and Buildings. To a certain extent, the chairman or president of the county board has been given certain powers with respect to the administrative affairs of the county. This development has gone farther in Cook County than in other counties of the state. In all counties which establish a county tuberculosis sanitarium, the three trustees of the sanitarium are appointed by the president or chairman of the county board. In counties under the township system, the president of the county board of supervisors is chairman of the three members of the board of review, to pass upon assessments of property made by the township assessors.

County, a unit
for judicial
administration

In all parts of the state the county is the chief unit for judicial administration. Each county has a county court. Each county is the unit for the terms of the circuit court. Under the constitution, a jury must be drawn from the limits of the county. Justices of the peace and

police magistrates have a jurisdiction extending throughout the county. For counties of over 70,000 inhabitants, there is a probate court which takes over part of the jurisdiction of the county court. Not only is the county the unit for judicial organization, but the county also bears a portion of the expense of the organization. Cook County bears a part of the expense of the salaries of circuit and superior court judges.

The county is the chief agency of the state for the doing of the state's work in all parts of the state, with the civil town as its agent in connection with many of these services. The other areas of local government (such as cities, park districts, drainage and sanitary districts), while agents of the state for certain purposes, are more distinctly agents for the performance of tasks of purely local government. All of these areas of local government receive such power as they possess from the General Assembly of the state. In granting powers, the General Assembly is limited by the state constitution in the matter of county tax rate, and may not give power to levy special assessments to local governing bodies, other than cities, towns, villages, and park and drainage districts. With the county and the civil towns as the chief agencies of the state, the other areas of local government are chiefly concerned with the performance of governmental functions of a more distinctly local character. This is not so true, however, of cities, villages, and incorporated towns, and of school districts, as it is of park, drainage, and sanitary districts. Cities, villages, and incorporated towns within their territory carry out, or have the duty to carry out, state policy with respect to police, health, and various other matters, and school districts act

County, the
chief agency of
state

throughout the whole state as agencies to carry out the definite state policy as to education. With these exceptions, the county and civil towns are the local bodies for the carrying out of state functions.

IMPROVEMENT NEEDED IN COUNTY GOVERNMENT

No single head

The chief need of our county government is something in the nature of a single head and a single responsibility for the work which it does. The county board has broad powers, with supervision over county buildings and other county property; the power to levy county taxes; the power to maintain and supervise poor farms, jails, and workhouses; and certain duties with respect to the preparation of jury lists, and with respect to things done by elective county officers. But these elective officers have large powers conferred by statute, and are, in the main, independent of the county boards. The county boards do, however, regulate their salaries within certain limits, but without any effective supervision over the officers themselves. The county boards in counties not under the township system also act as boards of review. The president of the county board in Cook County has been given some of the powers of a county chief executive officer; and in other counties certain general powers have been conferred either upon the chairman of the county board or upon the county clerk. But there is no single executive officer whom the people may hold responsible for the proper conduct of county business.

Need for a single responsibility

The county government constitutes a single task of government, and this single task is split up among a number of independent officers, to a much greater extent than has ever been done in connection with the work of the state executive department. In many of the counties

under the township system there is a large and cumbersome county board, which cannot control the administration of county affairs. In the counties under the commissioner plan, the board is smaller. But in both types of counties, the board has little authority over the elected county officers. Without constitutional change it is possible for the General Assembly to establish smaller boards for counties under the township system; and to create some executive authority to supervise all the work of county government.

STUDY QUESTIONS

1. Make a list of your county officers and outline briefly the work done by each.
2. Make a list of your town officers, and outline what each does.
3. If in a county not under the township system, outline the duties of your election precinct and road-district officers.
4. How many people attended your last town meeting?
5. Find out the condition of your county jail? of your county almshouse?
6. What salaries are paid to your county officers? By whom are they fixed and how?
7. How much does your county government spend, and for what purposes?
8. How much does your civil town spend and for what purposes?

A full account of county and township government will be found in *Constitutional Convention Bulletin No. 12*, issued by the Legislative Reference Bureau, on *County and Local Government in Illinois*.

"A Report of the Joint Legislative Committee of the Forty-seventh General Assembly appointed to take up the matter of making a general revision of the laws appertaining to county and township organization and those relating to roads, highways, and bridges" contains a thorough study of local government in Illinois, prepared by Prof. John A. Fairlie. The report of this committee led to a material improvement with respect to road administration, but otherwise the local government in Illinois is much the same as that outlined by this report issued in 1913.

CHAPTER XI

CITIES, VILLAGES, AND INCORPORATED TOWNS

CITY GOVERNMENT AND ITS DEVELOPMENT

Growth of cities For a number of years there has been a tendency for people to live to a greater and greater extent in cities. This condition is largely due to the great commercial and industrial development of the state. In 1920, more than 52 per cent of the people of Illinois lived in cities of over 25,000 inhabitants. Of this number nearly 42 per cent lived in Chicago. The fact that nearly 68 per cent of the inhabitants of Illinois in 1920 lived in cities of 2,500 or more inhabitants indicates the rapid growth of cities in this state.

Work of the city When people are grouped closely together in cities, it is natural that more work must be undertaken by government. Some organization must be set up for the doing of this additional work. So long as people live in separate houses with wide spaces between them, less in the way of governmental service is needed than if they live, as a great part of the urban population does, in apartment buildings, one of which may oftentimes house hundreds of people. The city is the chief agency for the doing of governmental work made necessary by the fact that people live more closely together. In the larger cities of Illinois, it has been necessary for city councils to adopt rather elaborate ordinances regulating the manner of constructing all buildings, and to set up a governmental organization to see that these ordinances

are observed. Streets must be paved, cleaned, and lighted. Some provision must be made either by the city itself, or through private initiative, for the distribution of water to every household. The problems of fire protection and prevention become much more serious, and require an elaborate organization and elaborate equipment. A police force must be maintained for the preservation of order and the suppression of crime; and a health department must be established for the more detailed protection of the health of the city. An elaborate sewer system must be maintained, and the city must provide some means of removing garbage at regular intervals. These are but some of the many services which a city must perform for the people who live within its borders

These services are no less important in the smaller communities and in the country districts than in the city. But the city's problem is greater because of the greater number of people and of the fact that they live more closely together. For example, one case of small-pox or scarlet fever may quickly spread the disease throughout a whole city unless at once detected.

Cities grow in particular locations, not because of any state law, but because industrial or other conditions cause people to settle in that place. Factories are established because of water power or convenient transportation. Workmen come as a result of the establishment of factories. A thickly settled community develops haphazard, perhaps with factories and stores intermingled among residences, with streets that are too narrow, and without convenient parks and open spaces. It has now come to be realized that the growth of cities

Larger scale of activities

City plans and zoning

must be planned with reference to the future needs of their inhabitants. For this reason, a law was passed in 1921 authorizing cities, villages, and incorporated towns to establish plan commissions. Zoning of cities is also permitted by an act of 1921. Zoning contemplates the setting aside, for residence purposes, of those parts of a city best fitted for this use; and a similar setting aside of parts of the city for business and industrial purposes, in such a manner that the interests of all groups may be protected, and the welfare of all advanced. City planning and zoning substitute a plan for haphazard growth.

Relation of cities
to other govern-
ments

Cities are not the only governmental bodies exercising authority over the territory they occupy. They serve, in many respects, as agencies for the administration of state law. Their police forces have the duty not only of enforcing city ordinances, but also the duty of enforcing the laws of the state as well. The inhabitants of a city are in all cases subject to the government of the county in which they live. The sheriff is primarily charged with the enforcement of state law within his county; but in cities this work is largely left to local police forces. Throughout the whole territory of the state, school districts have been set up, which carry on the school system independently of city governments. Some of these districts have the same boundaries as cities; and, in a few cases, a board of education, while largely independent in the conduct of the school system, is appointed by the major, subject to confirmation by the city council. Over the territory of many cities will also be found independent park and sanitary districts.

The expenditures of a city form one of the best indexes of what a city does. and on page 334 are found statements and a chart indicating the manner in which the city of Chicago expends money for its governmental services. Although the services undertaken by Chicago are on a much greater scale than those of any other city of the state, and Chicago does some things not done by other cities, yet the expenditures of that city give a fair illustration of the things which are done or may be done by cities.

City expenditures

When the word "city" has been used earlier in this chapter, it would have been perhaps more appropriate to have used the words "cities, villages, and incorporated towns," for these three types of organization perform similar services and have much the same powers. Cities, villages, and incorporated towns have only such powers as have been granted to them by the General Assembly, and their organization is provided in some detail by laws enacted by the General Assembly.

Cities, villages, and incorporated towns

Before 1870, a community which desired to become a city, village, or incorporated town might apply to the General Assembly of the state and obtain a special charter, determining its powers and form of organization. Since 1870, such special charters have been prohibited by the state constitution. There are now more than twenty such cities, villages, and incorporated towns still operating in Illinois under special charters granted before 1870. The largest of these is the incorporated town of Cicero with a population in 1920 of nearly 45,000 people.

Special charters

Since 1870, no incorporated towns have been created. The term "incorporated towns" is the name given before

Incorporated towns

1870 to smaller communities created by special act, and less than twelve of these are still in existence. These incorporated towns have, in most cases, a form of government similar to that now authorized by general law for villages.

Cities and
Villages Act of
1872

The constitution of 1870 forbade special laws for the incorporation of cities, towns, or villages, or changing or amending the charter of any city, town, or village. After the adoption of this constitution, general legislation for the organization of cities and villages in this state became necessary, and the General Assembly passed the Cities and Villages Act of 1872. This act has been amended a great many times since then. As amended, it forms the basis for city government in all of the cities not under special charter. It set up a general form of city government, and since 1910 cities or villages other than Chicago are permitted to adopt a commission form of government as a substitute. By an act of 1921, cities and villages of 5,000 inhabitants or less are also permitted to adopt a so-called managerial form of government. A constitutional amendment of 1904 permits the General Assembly to pass certain laws applicable to the city of Chicago, such laws to come into effect only upon their approval by the voters of that city.

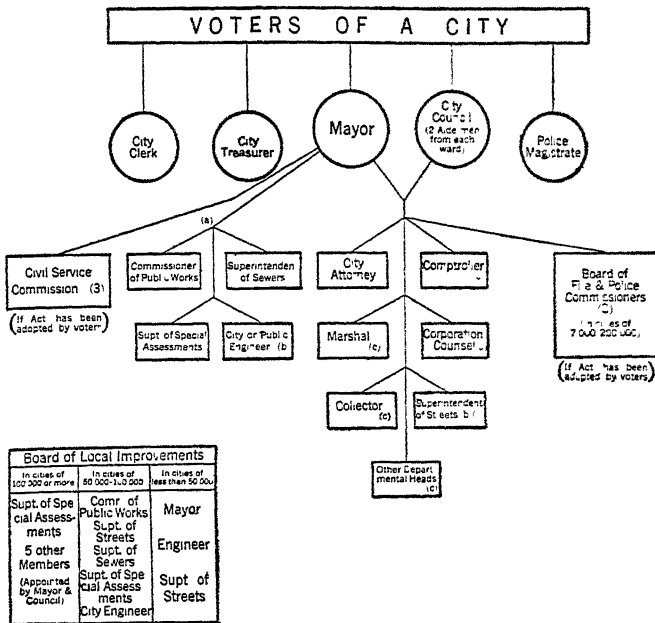
Types of city
and village
government

We thus have in Illinois (1) a few cities still governed by special charters; (2) a general form of city government applicable to most cities; (3) modifications of this general plan adopted by popular vote in Chicago; (4) the alternate commission-government plan, adopted by local vote in a number of cities and villages; and (5) the possible adoption of the managerial form of government by cities and villages of 5,000 inhabitants or less.

There are therefore many variations in possible forms of city government. Not only this, but by the terms of the Cities and Villages Act, a large discretion is given to each city as to the details of its organization. It thus

Variations in
city government

CHART XIX



Organization of city government, state of Illinois: (a) in cities of 50,000 or more, (b) optional in cities of less than 50,000; (c) may be elective or appointive, as determined by council.

becomes necessary for the student to prepare a separate chart for each city to be studied. A detailed chart of the organization of government in Chicago is found on page 261. Chart XIX outlines the general form of organization under the Cities and Villages Act, and

Charts XXI (p. 240) and XXII (p. 242) outline the commission and managerial forms.

How cities are
organized

Any unincorporated territory not exceeding 4 square miles in area, and having within it not less than 1,000 inhabitants, may become a city under the laws of this state. Each city, under the act of 1872, is required by law to elect a mayor for a two-year term, to elect members of a city council, and to elect a city clerk and city treasurer. Until 1919, cities were also required to elect a city attorney. Cities under the Cities and Villages Act are divided into wards, and from each ward two aldermen are elected for two-year terms. One alderman is elected each year, so that the city council may be a body one-half of whose membership has already had some experience in the office. The size of the city council varies. In cities of not over 3,000, there are 6 aldermen, from 3,000 to 5,000, 8 aldermen; from 5,000 to 10,000, 10 aldermen; from 10,000 to 30,000, 14 aldermen, and 2 additional aldermen for each 20,000 over 30,000; but no city may have over 70 aldermen. The city council has authority by ordinance to district the city into wards. Provision is made by statute for the adoption by cities of the plan of minority representation, which has already been discussed with reference to the state House of Representatives. If any city adopts minority representation, that city is required to be divided into districts, each electing 3 aldermen.

Powers of mayor
and council

The mayor of the city presides over the city council, and has a casting vote in case of a tie. He also has a veto power, which may be overcome only by a vote of two-thirds of all of the members elected to the city council. By statute provision is made for a city clerk and a city

treasurer, as elective officers. The state leaves to the city council power to determine what other officers shall be elected or appointed, and what department shall be created. In this way it is possible for the city council to set up a rather simple governmental organization for a smaller city; and for the city council of a larger city to set up a more complex organization. By leaving power to each city in this respect, a general act has proved workable for both large and small cities. Even with this large amount of power granted to the city with respect to its organization, this single act for all of the cities of the state was difficult of application to the special problems of such a large city as Chicago.

The city council is authorized by ordinance, passed by a two-thirds vote of all of the aldermen elected, to provide for the election by the voters, or the appointment by the mayor, with the approval of the city council, of a certain specified number of officers, and may create such other officers as the council may think proper. All officers of a city, except as expressly provided by statute, are appointed by the mayor with the advice and consent of the council. Under this plan, the mayor's power has naturally tended to increase. As a city grows in population, and as new activities are undertaken because of such growth, the mayor has come to have a greater and greater power to appoint and to remove those who do the work of the city. Through the power of appointment and removal, the mayor is able in this manner to exercise a rather large authority over the work done by the city government. The city council may by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office which it has once

Appointing
power of mayor

created. But such discontinuance can occur only as a result of a two-thirds vote. In removing any officer appointed by him, the mayor must present formal charges, and must report the reasons for such removal to the council at its next meeting. If the mayor fails or refuses to file a statement of the reasons for such removal, or if the council by a two-thirds vote of all members elected to it disapprove of such removal, the officer is restored to office.

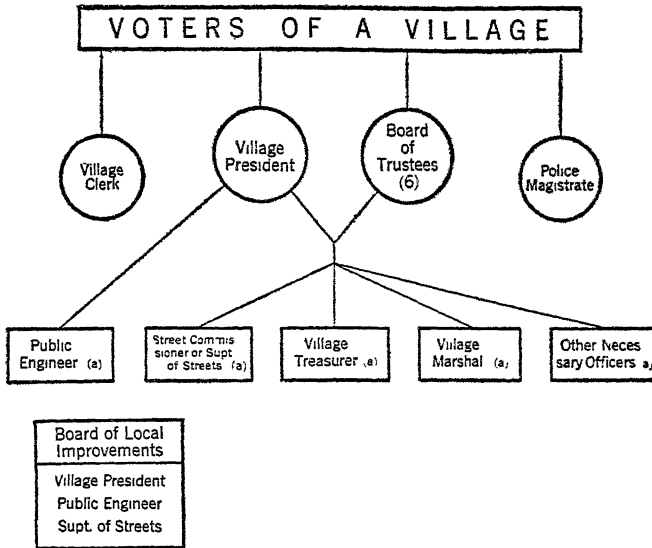
VILLAGE GOVERNMENT

Villages

Any territory not exceeding 2 square miles in area, and having within its borders not less than 300 inhabitants, may become incorporated as a village. The village form of government is planned for communities whose problems are not so complex as those of cities. However, Oak Park, with a population of about 40,000, is still under the village form of government. Each village elects six trustees from the village at large, three each year, the trustees to serve a term of two years. The village also chooses in the same manner a president, who has the same powers as the mayor with respect to veto and other matters, and who serves for two years. The voters of the village elect each year a village clerk. The president and the board of trustees have with respect to offices and departments for the performance of village work much the same powers as do the mayor and city council with reference to the organization of the work of the city. The village is also authorized to elect a police magistrate for a four-year term. Any village having as many as 1,000 inhabitants may by popular vote transform itself into a city. Chart XX outlines

village government Students living in a village should make a chart of their particular village government.

CHART XX



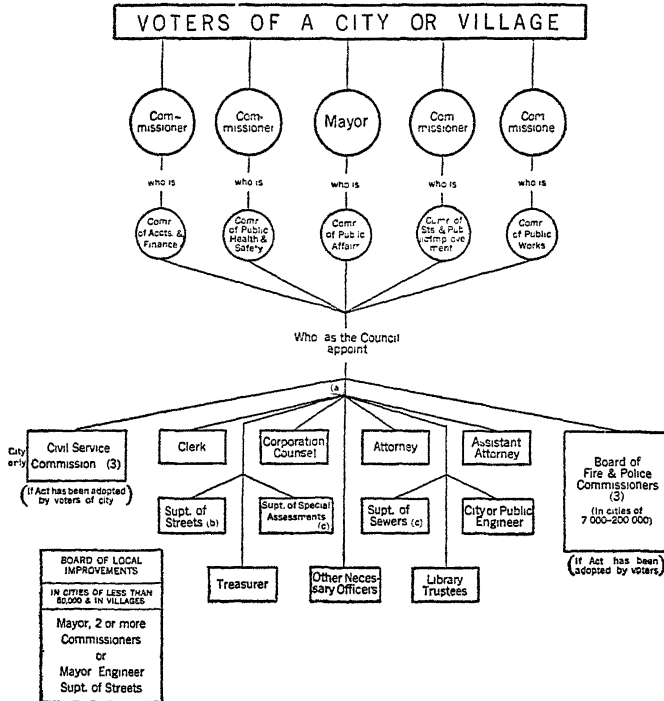
Organization of village government, state of Illinois: (a) optional, as determined by Board of Trustees.

COMMISSION FORM OF GOVERNMENT

An act was passed by the General Assembly in 1910 ^{Commission plan} under which any city (other than Chicago), or any village of the state, may organize what is termed the commission form of government. Under this plan, the voters of the city each four years elect a mayor and four commissioners. These five constitute the heads of the five departments of public affairs, accounts and finance,

public health and safety, streets and public improvements, and public property. No other city officers

CHART XXI



Organization of a city or village under commission form of government (excluding Chicago), state of Illinois: (a) optional positions, as determined by the council; (b) may be appointed by commissioner of streets and public improvements; (c) in cities of 50,000 or more.

are elected. The mayor and four commissioners as a city council are given power by ordinance to create, fill, and discontinue offices and employments according

to their judgment of the needs of the city or village. They may, by majority vote of all the members, remove officers or employees. The mayor presides over the commission, but has no veto power over the ordinances enacted by the commission. This plan of government is one which takes all the powers of the city or village, and vests them in a commission of five members elected by all of the voters of the city or village.

The commission form of government has been adopted by more than fifty cities in this state, of which the largest are Bloomington, East St. Louis, Jacksonville, Joliet, Kewanee, Moline, Rock Island, and Springfield. Chart XXI outlines the organization under the commission plan. Each city has large powers with respect to its own organization, and the student must make a separate chart for each city studied which has adopted the commission plan.

Cities having
this plan

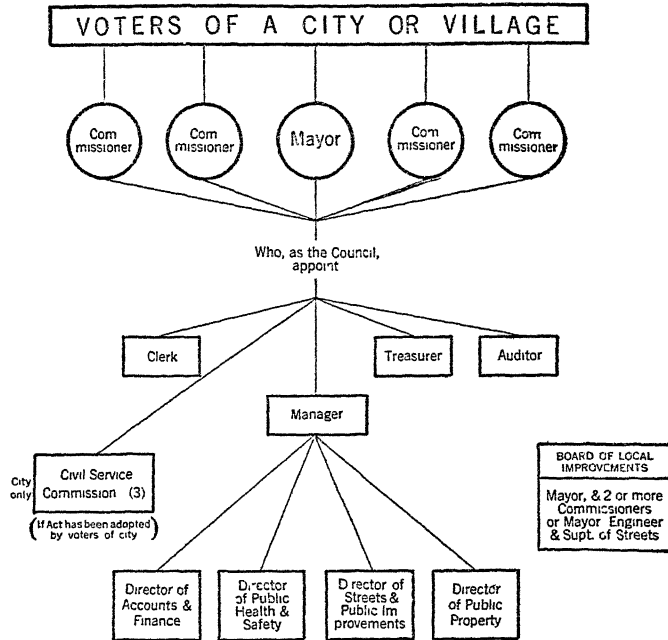
MANAGERIAL FORM OF GOVERNMENT

Legislation of 1921 authorizes cities or villages of 5,000 inhabitants or less to adopt the so-called "managerial form of municipal government." The managerial form of municipal government is one which has been adopted by a great many cities in this country in recent years. Its general plan is that of electing a city council by popular vote (usually a small council elected by the voters of the whole city), and giving authority to this council to employ a city manager to hold office so long as he performs his work satisfactorily to the council. The city manager is then given control over the governmental work of the city, under the general supervision of the city council. Prior to the act of 1921, several

Managerial plan

villages in this state had what really amounted to a city-manager plan of government. The boards of these villages selected a village manager who, under their

CHART XXII



Organization of a city or village under managerial form of government (cities and villages of 5,000 or less only), state of Illinois.

supervision, was in charge of the detailed work of the village government. Under this plan, the president and board of trustees were entirely responsible for the conduct of the manager, who was their employee.

The managerial plan permitted in this state by the act of 1921 is unduly complex for small cities. Legislation should be enacted permitting a simpler plan, and authorizing its adoption by large as well as small communities. Chart XXII outlines the form of organization authorized by the act of 1921.

Plan too complex

POWERS OF CITIES AND VILLAGES

The laws of state have conferred wide powers upon cities and villages, but have proceeded entirely upon the plan (similar to that which exists in most of the states) of conferring powers in detail. The powers granted to cities and villages in this state by the General Assembly are broad, and are ordinarily sufficient. But when a community desires to undertake a new function, or when new and unexpected situations present themselves, an application must oftentimes be made to the General Assembly for an extension of powers before the city or village can act. The taxing powers of cities are also definitely limited by statute, and when city expenses increase, or when without such an increase old sources of revenue disappear, the cities must go to the General Assembly in order to get their tax rates increased. Consideration of requests for increased tax rates by local governing bodies took up a large part of the time of the General Assembly at the sessions of 1919 and 1921.

Dependence upon state legislature

Cities in Illinois are not as closely restricted in their powers and their form of organization as are cities in some other states. They have the choice of the forms of organization in the manner already outlined. Cities under the general act have considerable discretion in the

Cities not strictly limited

creation of administrative departments. Under so-called "local option laws," cities are in a number of cases permitted to adopt certain institutions.

Municipal home
rule

A movement has been on foot for a number of years to give cities power to frame and adopt their own charters or forms of local government; and to vest them with wide powers as to local matters, without the necessity for legislative action. The movement for municipal home rule has led to the adoption of constitutional amendments in thirteen states, and to legislation in several others. It contemplates that cities should be given wide powers to work out their local problems in their own way, subject to state control as to matters of more than local interest. No plans for municipal home rule have been adopted in Illinois. The rejected constitution of 1922 would have given Chicago power to frame its own charter, and authority in the field of local government, subject to state legislative control.

City civil service

As cities grow in population and in the work which they must do, the number of their employees for the doing of this work necessarily becomes larger. It was for this reason that the Illinois General Assembly passed legislation in 1895, authorizing any city by popular vote to adopt a plan of civil service, under which the mayor appoints three civil-service commissioners, who classify the employees of the city and hold the examinations for appointments to the city's service. A number of city employees are expressly exempted from these provisions. No officer or employee in the classified civil service of a city may be discharged except upon written charges, and after an opportunity to be heard in his own defense. The charges are investigated by the civil-service com-

mission, or by some officer or board appointed by the commission, to conduct the investigation. Another act passed by the General Assembly in 1903 authorizes cities of from 7,000 to 100,000 inhabitants, which adopt the provisions of the act, to appoint a board of fire and police commissioners; and sets up under these commissioners what amounts to a civil-service system for the fire and police departments of such cities

For the cities of the state, the question of pensions Pensions has become an important one. Provision is made for the retirement and support of those types of city employees who are engaged in such hazardous tasks as are policemen and firemen, and for other groups of employees as well. Although no more important in the city of Chicago than in other cities of the state, these pension funds are naturally larger for that city.

STUDY QUESTIONS

1. Make a chart outlining your city or village government.
2. Get and study the reports of each department of your city or village government. If no reports are published, obtain by personal inquiry information regarding the more important departments, as health, fire, police.
3. What procedure must you follow and what conditions must you meet in order to obtain a permit for the erection of a building?
4. Are any of your city or village employees under civil service? Are any of them entitled to pensions after a certain period of service?
5. Get *Constitutional Convention Bulletin No. 6, on Municipal Home Rule*, issued by the Legislative Reference Bureau, and report upon this subject.
6. Get *Commission Government Act* from the secretary of state, Springfield, and make a study of it. This is a good subject for debate.

- 7 Get the *Managerial Form of Municipal Government Act*, of 1921, from the secretary of state, Springfield, and make a report on it. For cities which may adopt it, this also constitutes a good subject for debate. A further desirable subject for debate is the question as to whether the act should be extended to the larger cities.
8. What is meant by "zoning" and "city planning"? What powers has your community in these matters, and what has it done?

CHAPTER XII

COOK COUNTY AND CHICAGO

Cook County contains more than 47 per cent of the people of Illinois, and Chicago alone more than 41 per cent. The governmental problems of Cook County and Chicago are therefore greater and more complex than those of the other counties and cities of the state. In order to meet these problems, special provisions have been made by the state constitution and the laws.

Larger governmental problems

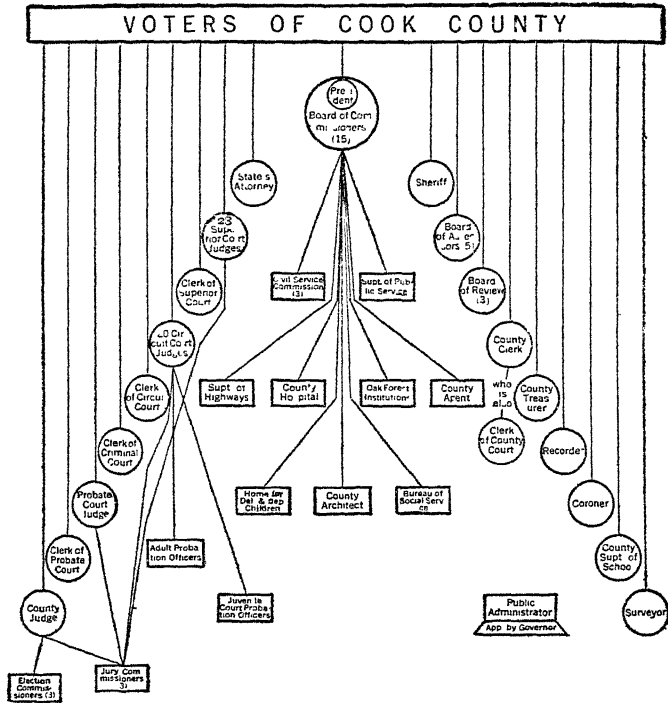
COOK COUNTY GOVERNMENT

As in other counties the chief governing body of Cook County is the county board. The board of commissioners is composed of fifteen members elected for terms of four years, ten from Chicago and five from the territory of the county outside of Chicago. Cook County has all of the elective officers that are possible in any county in the state, and several in addition, including the clerks of the superior and criminal courts, the board of assessors, and the board of review. The board of assessors is composed of five members who hold office for six years, and who assess property within the county for taxation. In townships outside of Chicago the township assessors do this work. There is also an elected board of review of three members, who serve for six years and revise the assessments made by the board of assessors. There is no elected county auditor, but the county clerk serves as the comptroller of the

Outline of government

county financial affairs. The powers of the other county officers are discussed in chapter x, and the courts of Cook County are discussed in chapter ix. Attention is again called to the fact that there are no justices of the

CHART XXIII



Organization of Cook County government

peace in Chicago, though justices are elected and have jurisdiction in the county outside Chicago.

Chart XXIII outlines the government of Cook County. It is based upon a chart prepared by the

Chicago Bureau of Public Efficiency and is revised to show the situation in 1921.

The chief difference between the government of Cook County and that of the other counties of the state, aside from the different composition of its board of commissioners, is the greater power given to the president of the county board. The president of the county board of Cook County is elected both as a member of the board and as president. Each voter, in voting for county commissioners, votes for one of the candidates for commissioner and also as president of the county board. President of
county board—
election

The president of the Cook County board is given in one respect a more effective veto power than is any other officer of the state. Resolutions or motions of the county board which appropriate money, or by virtue of which a contract is to be made, or any act which may directly or indirectly create a pecuniary liability on the part of the county, is submitted to the president of the county board after adoption by the board. The president has power within five days after the receipt of such a resolution or motion to return it with his objections. He may object to any one or more items, or to the entire motion or resolution. The board of commissioners may overcome his objection only by a vote of four-fifths of all of the members elected to the board. Veto power

Not only this, but the president of the county board is authorized by law, acting with the consent of the board, to appoint a superintendent of public service, who has supervision over the purchase of county supplies; and to appoint the warden of the county hospital, the superintendent of the insane asylum and poorhouse, the county physician, and a number of other important officers. Appointive
power

The president of the board appoints a civil service commission of three members, without the consent of the board. This commission has much the same powers with respect to the appointment and removal of employees as do the state and city civil-service commissions, although the county civil-service law does not apply to any of the employees of elective county officers.

Executive head

The president of the county board of Cook County is the real executive head of the county, so far as concerns the activities of the county not under the authority of the elective county officers. In this respect, the president of the county board of Cook County occupies much the same position with reference to the county government as does the governor with respect to the state administration. However, so much of the county's expense is connected with the elective county officers that the president of the board of commissioners does not have control over nearly as large a proportion of county activities and expenditures as does the governor of the state over state activities and expenditures.

What the county
does

What Cook County does can best be indicated by a somewhat lengthy quotation from the annual message for 1920 of the late Peter Reinberg, who was president of the Board of Commissioners of Cook County. His statement regarding activities of the county is quoted below:

Medical
assistance

During the last twelve months the County government extended eleemosynary assistance to about 190,000 poor and afflicted. Of these, more than 40,000 were sick persons who were housed, fed and given medical or surgical care. Almost 22,000 others were examined, prescribed for, or their wounds dressed at the County Hospital or other institutions. The County's doctors responded to almost 14,200 calls from unfortunates ill in their

homes, and who otherwise would have been without medical attention. Its agents examined thousands and thousands of school children in the rural sectors, while supervising the common education of about 42,000 children.

Through the County Agent, food relief was issued to around 5,300 families, a total of more than 28,250 times. This service probably aided more than 28,000 souls. Approximately \$228,000 was expended for foodstuffs alone. Coal and clothing was provided for additional shivering thousands. Also, just less than \$450,000 was paid out in Mother's pensions, a total of 1,070 families, with 3,458 children, receiving this relief during the typical month of October last. Almost \$45,000 was paid out in pensions to the indigent and worthy blind. Charity

As usual, the County supervised the administration of justice between its citizens, maintaining the Circuit, Superior, Criminal, County and Probate Courts, with their tens of thousands of litigants, and with the year's aggregate of lawsuits and prosecutions approximating 32,000. Year after year, the County has housed, fed and cared for around 10,000 prisoners annually in the cramped and insanitary quarters of its County Jail, the vast majority of whom required and received medical attention. Courts

The Coroner's office searched into almost 6,000 cases of deaths from violence or unknown or sudden causes. Aside from constant readiness to aid in maintaining public order and in averting outbreaks of riot, the Sheriff's office and co-ordinated agencies served and enforced legal processes on probably 210,000 persons. Coroner and sheriff

In its Juvenile Probation Department, the County dealt with about 3,800 cases of delinquent and dependent minors. Its Juvenile Detention Home housed, fed and cared for approximately 4,750 juvenile wards. The Adult Probation Department handled around 3,700 new cases, while total discharges supervised aggregated more than 4,500. During that period, these men and women on probation earned more than \$3,150,000, all of which would have been lost to their families had they been incarcerated as so many burdens on the county. Probation

At the same time more than 4,250 mental sufferers were cared for at the Psychopathic Hospital. Seventeen per cent of those treated either recovered completely or were extremely improved. Hospitals

by proper care. The Bureau of Social Service was active, to single out only one phase, in adjusting family difficulties. Of 1,664 new complaints handled, all but 27 were settled out of court, while around \$67,000 was collected and paid to dependents. The Oak Forest Institutions—the Infirmary and the Tuberculosis Hospital—had a population throughout the year approximating 2,900.

Recreation

The County, too, was host at ten-day outings at Camp Reinberg in the Forest Preserves to 1,265 weary mothers and wan children from the congested districts of Chicago. Many of these little ones never before had seen a green-clad tree growing in its native state.

Highway construction

Although beset by strikes, car shortages, embargoes and staggering prices, Cook County made every effort to do even more than its proper share of highway construction. One objective I constantly have urged is the “pulling of Cook County out of the mud,” the binding of urban and rural districts into closer contact by ribbons of improved highway to the betterment of conditions of all concerned. Because of the handicaps mentioned but twenty-four miles of pavement were contracted for, of which ten miles have been completed, along with the work on fourteen miles which remained uncompleted with the close of 1919. Surveys were made, however, for proposed construction of seventy-one miles at a cost approaching \$3,000,000.

Roads

Today the actual paved mileage of 18-foot roads in Cook County aggregates 195 miles, with 20.7 miles under contract and yet to be completed. Also, 294 miles of macadam highways were repaired and maintained. For future construction which can be pushed during the ensuing year as industrial and transportation conditions right themselves, resources of popularly authorized bonds to the amount of \$4,000,000 remain available to carry on the laying of 18-foot roads with 6-foot shoulders. In short, Cook County’s supremacy as a good roads district is positive.

Taxes

Also, to close this far from inclusive summary, the County’s representatives assessed, levied, collected and allotted to the State, County and City governments the annual aggregate revenue income approximating \$50,000,000. Its agents recorded all transfers of real estate, along with thousands of documents affecting personal ownership.

It supervised national, state and county primaries and Elections elections at a cost in excess of \$1,000,000 It extended the cultivated acreage of the County Farm at Oak Forest from 275½ to 393½ acres, the value of produce from which approached \$26,000

It is proper that I should point out, too, that the County at Soldier relief the outset of the year, entered into an agreement with the United States Public Health Service, at the solicitation of the Federal authorities, to care for and afford medical treatment to former soldiers and marines of the United States who had contracted tuberculosis while in military service From 17 to 109 of these heroes have been cared for monthly at the Oak Forest Tuberculosis Hospital, and have been accorded every possible attention and comfort.

Be it understood that the County did not seek this further Relation with and unusual obligation We took such a step solely to assist United States the Government of the United States, which has lacked sufficient hospital facilities to provide for these men. We acted only because of the patriotic and humanitarian belief that immediate sanatorium treatment would prevent the spread of the disease and save the lives of many of these men Prompt County ministration, we sincerely believe, has avoided the sacrifice of numerous lives while waiting for the Federal Government to prepare for permanent care of these stricken victims of patriotic duty For this big-hearted service the County will receive compensation approximating \$43,000 for the year from the National Government.

Certainly this brief résumé should impress the average Employees citizen of the varied activities of the County administration, and also emphasize how closely they touch almost every phase of his civic life To perform all these duties, as well as many not mentioned, the County utilized the services of about 3,000 regular employes Periods of extreme activity in many departments required an added outlay of about \$1,000,000 for the part time of extra help, which is about \$400,000 in excess of recent normal years

It may be of interest to add to this statement the fact that the County Hospital on October 1, 1919, had 1,346 inmates.

Expenses

For the fiscal year ended November 30, 1920, Cook County spent \$14,195,701.05 as follows:

Administration Division . . .	\$ 963,587 58
Taxation and Collection Division	1,939,814 21
Civil Courts Division	3,201,118.03
Criminal Courts Division	1,118,439 51
Charitable and Educational Division . . .	4,242,329 38
General Division	741,530.24
Permanent improvements	1,495,653 15
Other expenses	493,228 95

Purpose of expenses

The Administration Division includes general expenses for the operation of the county government. The maintenance of the county building is one of the largest single items of expense for this purpose. A large part of the tax administration is divided between the county and the civil towns in counties under the township system; but for Cook County the county itself is the primary unit for the assessment and collection of taxes, although township assessors still retain some powers in towns not lying wholly within the limits of a city. The expense connected with this work is necessarily large. In this respect, the county pays the expense not only for the assessment and collection of taxes for itself but also the larger portion of the expense for all other bodies that receive portions of the general property tax. The Criminal and Civil Courts divisions involve expenditures for the operation of the courts, and for county officers which bear a close relationship to judicial administration. What is termed the "Charitable and Educational Division" involves chiefly expenditures for charitable purposes.

Employees

For the year 1920, Cook County had 3,078 employees for the doing of county business. It spent \$822,415



COOK COUNTY BUILDING AND CHICAGO CITY HALL

for additional labor in connection with portions of its work which were not regarded as sufficiently continuous throughout the year to make it desirable to have permanent employees. Of the 3,078 employees of the county in 1920, 1,250 were under the terms of the county civil-service law.

FOREST PRESERVE

An act was passed in 1913 authorizing the creation of forest preserve districts, whose boundaries may be the same as those of the county. This was what is termed an "optional act," and was adopted by the voters of Cook County. By the terms of the act, the Board of Commissioners of Cook County became also the Board of Commissioners of the Forest Preserve District. The employees of this district, other than the treasurer and attorneys, are under the county civil-service law. The president of the Cook County board is president of the Forest Preserve District, and the executive officer of the district. He has the power to veto any ordinance enacted by the board, and such veto may be overcome only by the unanimous vote of all members of the board. The Forest Preserve District for Cook County was created in 1915, and has established forest preserves within the county, totaling in 1921 more than 18,000 acres. These forest preserves constitute an important addition to the area within Cook County devoted to park and recreation purposes.

Forest Preserve
District

GOVERNMENT OF THE CITY OF CHICAGO

The general organization of city government in Illinois has been outlined in chapter xi. It is sufficient here to indicate the respects in which the government of

Changes by
special laws

the city of Chicago differs from that of the other cities of the state. Under a constitutional amendment adopted in 1904, state laws may be passed relating specially to the government of the city of Chicago. Such laws must, however, before going into effect, be approved by the voters of the city. By means of laws which have thus been approved by the voters of Chicago, important changes have been made in the government of the city. The mayor's term has been extended to four years, and his powers have been somewhat enlarged. One interesting provision is that

If any ordinance of the City Council be returned by the mayor to the Council without his approval, the mayor may submit with his message, stating his objections thereto, a substitute ordinance, and after the veto by which the original ordinance was passed is reconsidered, then, if no motion be made to pass such original ordinance, the veto of the mayor to the contrary notwithstanding, or if such motion be made and fails of adoption, such substitute ordinance may forthwith be considered, unless two members of the Council demand the reference of such substitute ordinance to a committee, and if such demand be made, such substitute ordinance shall be so referred unless two-thirds of the members of such Council vote in favor of immediate consideration thereof, and if such ordinance receives the affirmative vote of a majority of all the members of the Council present and voting, shall take effect and be in force in lieu of such vetoed ordinance.

This is an effort to give by express statute to the mayor an affirmative power over legislation in addition to the negative power which he exercises through the veto.

An act of 1919, adopted by the voters of Chicago, provides for what is termed the non-partisan election of aldermen. Aldermen are elected in the spring of each odd-numbered year for two-year terms. All candidates

are nominated by petition signed by not less than 2 per cent of the voters of the ward. At an election on the last Tuesday in February the candidate receiving a majority of the votes in his ward is declared elected. If no candidate receives a majority, a supplementary election is held on the first Tuesday of April, limited to the two highest candidates in the February election. No party designations appear upon the ballots for these elections. But a partisan element is introduced each four years because aldermanic elections come at the same time as the nomination and election of mayor, city clerk, and city treasurer upon a partisan basis.

The General Assembly of 1919 enacted the so-called Fifty-Ward Law "Fifty-Ward Law," which has also been adopted by the voters of Chicago. Prior to this law, Chicago was divided into thirty-five wards, with two aldermen elected from each ward, one each year. No redistricting had taken place for a number of years, so that great inequality had developed. This inequality, coupled with the feeling that the City Council was too large, and that elections should take place biennially rather than each year, was responsible for the Fifty-Ward Law. This law requires the redistricting of the city into fifty wards, each electing one alderman; and a redistricting every ten years, after the decennial federal census. By the terms of the act, the voters were given the option of adopting a two- or a four-year term for aldermen, and adopted the two-year term. The city was in 1921 redistricted into fifty wards, and aldermen were elected from the new wards in 1923.

The educational work within the city of Chicago is properly regarded as a portion of the work of that city

Board of
Education

government. By state law each city having a population of more than 100,000 constitutes a school district, and its schools are under the control of a Board of Education of eleven members, appointed by the mayor with the approval of the City Council. These eleven members are so appointed that all of them do not retire at the same time. The Board of Education elects from its own number a president and vice-president, and by vote appoints a superintendent of schools, a business manager, and an attorney. The president and vice-president of the board are elected annually; but the superintendent of schools, the business manager, and the attorney are chosen for four-year terms. These officers are removable during their term by a majority of the members of the board, only upon written charges heard after full notice. Many of the other employees of the board are appointed under the terms of the civil-service law. The Board of Education is given wide and independent powers, and is by law a separate corporation. The city treasurer is the school treasurer.

A board of three examiners is provided by law, whose duty it is to examine all applicants for certificates to teach in Chicago. The Board of Examiners is composed of the superintendent of schools, together with two persons approved and appointed by the Board of Education, upon the nomination of the superintendent of schools. Members of this Board of Examiners hold office for two years. The law contains provisions regarding the appointment and promotion of teachers. Such appointments and promotions are required to be made for merit only. No teacher or principal may be removed except for cause, and then only by a vote of

not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, such charges to be heard after ample notice.

The school system of Chicago constitutes the one largest activity of government within the limits of the city. It had 12,219 of the 31,514 officers and employees under the authority of the city government in 1920. It had an expenditure of more than \$32,000,000 out of the more than \$114,000,000 of total municipal expenditure for that year. The total enrolment in the Chicago public schools for 1918-19 was 405,131.

Size of
school system

Cities are authorized to establish a public library, with a board of nine directors serving for three years, one-third appointed each year by the mayor, with the approval of the City Council. The Chicago Public Library was founded fifty years ago under the legislative act of May 7, 1872, and has grown to be the second largest public library in the world. On January 1, 1922, it was an institution with 1,099,711 volumes, with thirty-six branches in various parts of the city and with an estimated circulation of over 8,000,000 volumes. During the year 1921, 1,343,436 people used the library for reading and study purposes, and the library spent more than \$900,000.

Public library

Cities are authorized to establish a Municipal Tuberculosis Sanitarium, with a board of three directors appointed by the mayor with the approval of the City Council. The city of Chicago has established and operates a Municipal Tuberculosis Sanitarium.

Municipal
Tuberculosis
Sanitarium

If the government of the city of Chicago be taken to include the Board of Education, the Chicago Public Library and the Municipal Tuberculosis Sanitarium, the

Summary of
city's activities

government of the city had, in 1920, 31,514 employees, and expended \$114,159,313 44. The following table indicates the larger groups into which the municipal employees fall:

Department of Police	4,992
Fire Department	2,265
Department of Health	875
Department of Gas and Electricity	547
Bureau of Parks	415
Bureau of Waste Disposal	223
Water Works	2,692
Board of Education.....	12,219
Public Library	610
Municipal Tuberculosis Sanitarium ...	584

It may also be worth while here to give the following table of municipal salary expenditures in 1920:

General government... ..	\$21,385,490 83
Public works	8,666,832 76
Water works	6,355,576 45
Board of Education	23,648,335 90
Public Library	572,393 32
Municipal Tuberculosis Sanitarium	715,258 70
Total	<u>\$61,343,887 96</u>

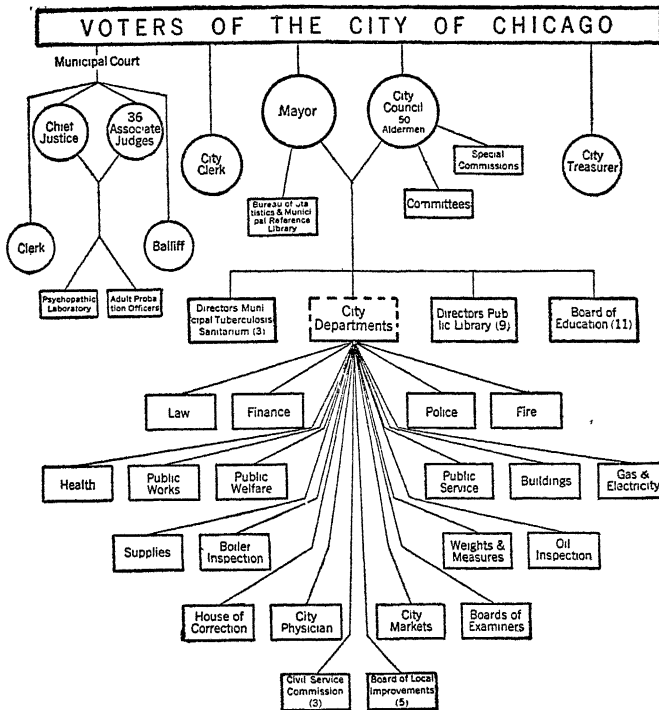
Chart XXIV outlines the present organization of the city of Chicago. This chart is based upon one prepared by the Chicago Bureau of Public Efficiency in 1916.

This chart, together with the tables printed above, indicates to some extent the scope of the work done by the city. The manner in which the city does its work can be discovered from the reports of the several departments of its government. Special attention is called to the activities of the Chicago Plan Commission, whose

plans are being rapidly carried out in such a manner as to make Chicago a more attractive city.

By legislation of 1919 and 1921 the city is given broad Zoning and city powers as to zoning, and through the use of these powers is planning

CHART XXIV



Organization of government of the city of Chicago

able to determine what sections of the city shall be used for residence purposes, and what ones for commercial and industrial purposes. Cities in this country have devel-

oped without plan, and the purpose of city planning and zoning is to substitute a careful plan of future physical development for the haphazard growth of the past.

THE PARK GOVERNMENTS OF CHICAGO

Before 1870 three park districts within the limits of the city of Chicago were established by special acts of the General Assembly. These are the South Park District, the West Chicago Park District, and the Lincoln Park District. These three districts cover a large part of the territory within the limits of the city. The members of the South Park Board are appointed by the Circuit judges of Cook County, and the members of the West Chicago and the Lincoln Park boards are appointed by the governor of Illinois. These three park districts operate the park systems and the boulevards within the parts of the city under their authority. The Lincoln Park Board has no taxing authority, and the taxes for the Lincoln Park District are levied in the names of the civil towns occupying that portion of the city's territory, although such towns have really ceased to exist for any governmental purposes. The South Park District contained in 1919 about 58 per cent of the taxable property of the city, whereas the West Park District contained only about 21 per cent and the Lincoln Park District less than 15 per cent. At the present time the South Park District has more than 38 per cent of the population of the city, the West Park District more than 36 per cent, and the Lincoln Park District about 15 per cent. The relationships between taxable property and population are distinctly unequal as between the South and the West Park districts. The South Park

District has, for this reason, been able to establish a much more effective park system for its portion of the city than have the other two larger park districts.

Any territory lying outside of a park district is authorized to organize itself into a park district. Twelve Small-park districts small-park districts have been organized entirely within the limits of Chicago, and two have been organized partly within and partly without the limits of the city. There are therefore seventeen park districts, all exercising authority within the limits of the city of Chicago. Obviously, the parks of the city, although in many respects well managed, are not as satisfactorily managed as if they were entirely under one authority.

An act of 1911 provides a civil-service system for Civil service for parks park districts having 150,000 or more inhabitants within their limits. This act provides a civil-service board composed of a superintendent of employment appointed for a term of six years, and two of the park commissioners. These civil-service boards have an authority with respect to employees not dissimilar from that of the state, city, and county civil-service commissions. The only park officers exempted from civil service are the elective officers, the general superintendent, the attorneys, and one confidential clerk or secretary. This act has recently been declared unconstitutional by the Supreme Court because of a defect in the form of its passage. The governor in 1923 vetoed an effort to re-enact this law.

SANITARY DISTRICT OF CHICAGO

The Sanitary District of Chicago is a distinct municipal corporation. Sanitary District It was organized in 1890, primarily for the purpose of constructing a drainage canal

from the Chicago River to the Desplaines River for the disposal of the sewage of Chicago and neighboring territory. As first established, the district covered 185 square miles. Its area has been extended from time to time, and is now about 400 square miles, including the entire city of Chicago and about an equal area outside of the city. The governing body of the district is a board of nine trustees elected at large by the voters of the district, three members every second year for a term of six years. The district has its own taxing and borrowing powers, and in 1918 taxes were expended for this district to the amount of \$4,585,144.44.

GOVERNMENTS WITHIN COOK COUNTY AND CHICAGO

The map of Cook County shown on page 265 indicates the limits of the city of Chicago, the limits of the Sanitary District of Chicago, and also the cities, villages, and incorporated towns within the county. Cook County is to a large extent urban, although a great part of the county is still thinly populated. That portion of Cook County within the limits of the city of Chicago contains about 90 per cent of the population of the county, and the Sanitary District, which includes substantially all of the thickly settled portion of the county, contains 97 per cent of the whole population of the county. The problems of Cook County are therefore primarily the problems of the cities, villages, and incorporated towns within its borders. The problems of the rural population, although less in size, are no less important.

About thirty distinct governing bodies exercise authority within the limits of Chicago; and nearly four

hundred within the limits of the county. Though many of these governing bodies cover a small territory, and have few employees, still their activities to more limited populations are as important as are those of the larger governing bodies. The larger governing bodies had in 1920 an average of approximately 38,500 employees, distributed as follows:

Cook County. ....	..	3,078
Forest Preserve District . .	..	130
Sanitary District . . . .	.....	1,100
Chicago . . . . .	. . . .	31,514
Lincoln Park Commission .	... ..	550
South Park Commission . . .	. . . .	1,300
West Chicago Park Commission	. .	850
Total . . . . .	..	38,522

Cook County has the township system of government. There are thirty towns in Cook County, exclusive of eight entirely within the city of Chicago. These towns have a government such as that already outlined in chapter x, except that their town supervisors do not form a part of the county governing body. The eight towns entirely within the city of Chicago have no separate government, but certain town functions are performed by officers of the county.

The portion of the county outside of Chicago is overlaid with cities, villages, park districts, school districts, and drainage districts. The governmental situation within Chicago is more complex than in any other part of the state, and that within Cook County outside the city of Chicago is scarcely less complex. To keep in touch with governmental affairs the citizen must follow the activities of numerous and somewhat conflicting

bodies; and must vote for a great number of officers of whose qualifications he can have little knowledge. A step toward simplification was taken by a legislative act of 1915 for the consolidation under the government of the city of all functions of cities, towns, townships, parks, park districts, or other local governments and authorities entirely within the territory of the city of Chicago. This act was submitted to the voters of the city of Chicago in 1916 and rejected. It has not again been submitted. Something toward the simplification of governmental affairs in Chicago and Cook County can be accomplished by legislative enactment, but in order to accomplish a great many of the things that need to be done, constitutional change is necessary. The rejected constitution of 1922 would have given somewhat greater powers to consolidate local governments within Chicago and Cook County, but it did not go far enough.

STUDY QUESTIONS

1. What must you do in Chicago in order to obtain a permit for the construction of a new building? What must the Department of Buildings do with respect to the building? What must the Department of Health do?
2. What does the city government do to make sure that the milk sold within the city is pure?
3. What has the Chicago Plan Commission accomplished? What has been done by the Chicago Zoning Commission? Get and study the plans and reports of both these bodies.
4. What park is nearest your residence? By what government is it managed, and how?
5. The best guides to a study of the governments of Chicago and Cook County are: (a) *Unification of Local Governments in Chicago*, a report prepared by Chicago Bureau of Public

Efficiency, January, 1917. This is supplemented by a report prepared by the same bureau in 1920 on *Consolidation of Local Governments in Chicago*. Address this bureau at 315 Plymouth Court Chicago, (b) *Constitutional Convention Bulletin No 11*, issued by the Legislative Reference Bureau, entitled *Local Governments in Chicago and Cook County*.

- 6 A series of valuable studies upon the history and government of Chicago have been prepared by Professor George H. Gaston, of the Chicago Normal School, and published in the *Educational Bi-Monthly*. These publications form a valuable introduction to a detailed study of the Chicago government.
7. For the park systems of Chicago, obtain a report prepared by the Chicago Bureau of Public Efficiency in 1911 on *The Park Governments of Chicago*. Also obtain the report of the South Park Commissioners, the Commissioners of Lincoln Park, and the West Chicago Park Commissioners. The report covering the particular part of the city in which you live should be given particular attention. If you do not live within any one of these three districts, get a report of the district within which you live.
8. A message has annually been presented by the president of the Board of Commissioners of Cook County, reviewing rather fully the work of the county for the preceding year. A copy of this annual message should be obtained, and also a copy of the *Comptroller's Report* for the preceding year. From the annual messages of the president of the Board of Commissioners, and from the *Comptroller's Report*, a satisfactory view may be obtained of the work of the county. Remember that the county clerk of Cook County is comptroller of the county.
9. For the Forest Preserve District, the president of the Board of Forest Preserve Commissioners also presents each year a message reviewing the work of the Forest Preserve Board for the preceding year. This report, together with the financial statement found in the county *Comptroller's Report*, will give a rather satisfactory view of the work of the Forest Preserve District.

- 10 Each elective county officer publishes a report. Copies of each of these reports should also be obtained and analyzed and reported upon
- 11 There is no single report or statement from which one may get a full account of the activities of the city government of the city of Chicago. The annual reports of the comptroller of the city of Chicago present a full account of the financial activities of the city. A pamphlet published in 1919 entitled "Chicago: A Record of Progress," although prepared partly for political purposes, gives much valuable information about the recent activities of the city of Chicago. Each department of the city government issues an annual report, and these annual reports should be obtained and studied. A report upon the work of each department will be of distinct value in any study-group; and also a report regarding the activities of each of the elected city officers.
12. The Board of Education of the city of Chicago publishes a complete annual report which can be easily procured, and from which a full account of the school system of the city may be obtained.
13. The Board of Directors of the Chicago Public Library publish a brief annual report which gives a statement of the work of the library.
14. A report is also published for the Municipal Tuberculosis Sanitarium.
15. Interesting information for the study of Chicago will be found in *Chicago: A History and Forecast*, published by the Chicago Association of Commerce in 1921.

CHAPTER XIII

THE STATE AND THE SCHOOLS

DEVELOPMENT OF PUBLIC-SCHOOL SYSTEM

Education is the most important single task of government in Illinois. Of the taxes levied for state and local purposes in 1917, more than one-third went to the support of schools. The total school enrolment in the public elementary and high schools of Illinois in 1922 was 1,249,208, with an average daily attendance of 1,059,465. In that year, 39,590 people were devoting themselves to teaching or other public-school work with an annual salary expenditure of over \$53,000,000. More than \$190,000,000 was invested in public-school property, and there was a total annual expenditure of more than \$79,000,000. The public schools of Illinois constitute a vast enterprise in a field hardly thought proper for government a hundred years ago. The state has undertaken the operation of this elaborate and expensive public-school system, because education is in the interest of all the people of the state, and because education should produce a better body of citizens and better government.

The principle of free schools received early recognition in the territory which includes the state of Illinois. The Ordinance of 1787 contained a provision that "Religion, morality, and knowledge being necessary to government and the happiness of mankind, schools and the means of education shall forever be encouraged."

Earlier than this, in 1785, an ordinance was passed establishing for the Northwest Territory the present system of land surveys, with a division into townships 6 miles square, each township being subdivided into 36 sections of 1 square mile each. This ordinance provided that Section 16 of each township should always be set aside for maintaining public schools within that township. When it admitted Illinois, Congress gave these lands to the state, and also promised the state 3 per cent of the net proceeds of all public lands sold in Illinois after January 1, 1819, to be used for the encouragement of learning. In these ways the national government definitely sought to encourage the establishment of a public-school system.

Much of the property granted to the state as a result of the Ordinance of 1785 is still owned for school purposes. The Board of Education of the city of Chicago has in its possession more than \$10,000,000 of property from this source, which it leases and from which it obtains an annual rental of nearly two-thirds of a million dollars. Further aid was given by the United States government in 1837, when surplus federal revenue was distributed to the states. Illinois long ago spent this money but has pledged herself to pay interest at the rate of 6 per cent for the use of the schools. In compliance with this pledge, the state appropriated in 1921 the sum of \$57,000 for each of the succeeding two years.

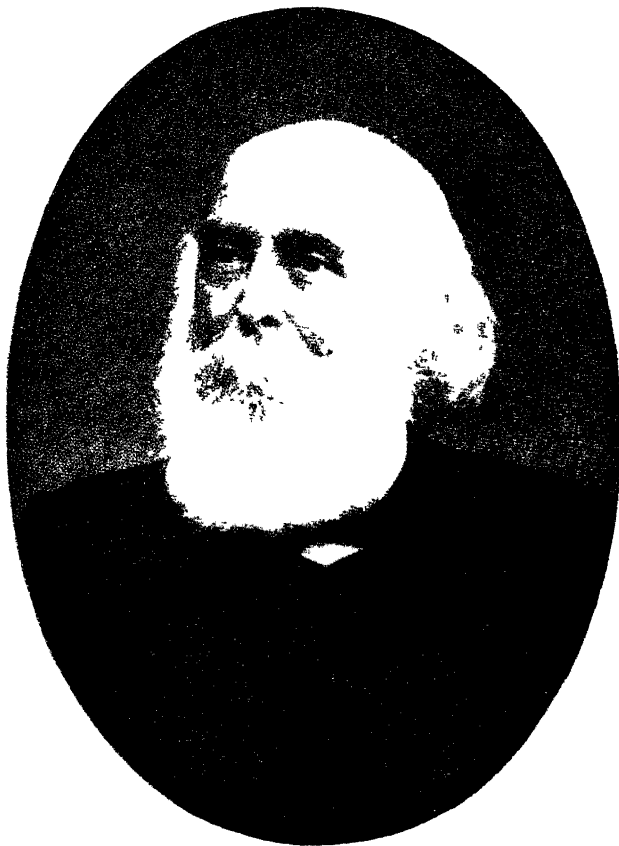
In the early days of Illinois, steps were taken for the establishment of a public-school system to be supported by adequate taxation. The first legislation for this purpose was too advanced to meet the desires of

Revenue from
federal grants

Growth of school
system

the people, and the early efforts to establish a school system supported by general taxation were unsuccessful. But by 1845 a number of important steps had been successfully taken by legislation toward the establishment of a public-school system. In that year the secretary of state was made ex officio superintendent of public instruction, and in 1854 a separate office of state superintendent of public instruction was created. By an act of 1855, a state school tax of two mills was provided. Upon the recommendation of the state superintendent of public instruction, this tax was in 1872 replaced by an annual appropriation by the state of \$1,000,000 for school purposes. This fund has been rapidly increased in recent years, and now the state appropriates an annual sum of \$8,000,000 as a state distributive fund, for use in connection with the public schools of the state.

The constitution of 1870 requires the General Assembly to "provide a thorough and efficient system of free schools whereby all children of this state may receive a good common school education." The constitution of 1870 also provides for the election each four years of a state superintendent of public instruction, and for a county superintendent of schools in each county. With the creation in 1854 of an independent state office for the supervision and general direction of the common-school system of the state, the modern development of this system may be said to have begun. It is fortunate for the state of Illinois that in the formative period of its school system, it should have had the able services of Newton Bateman as superintendent of public instruction (1859-63, 1865-75); and that in its more recent expan-



NEWTON BATEMAN, STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION, 1859-63, 1865-75

sion it has had the continuous services of another distinguished educator.

Not only are schools publicly supported, but attendance either upon the public schools or upon some equivalent school is made compulsory by state law for children between the ages of seven and sixteen, with certain exceptions. The most important of these exceptions is that a child between the ages of fourteen and sixteen may obtain an employment certificate and go to work. By state law, the county superintendent of schools in each county is required to appoint a county truant officer whose duty it is to see that the compulsory-school law is observed. Truant officers are also provided for the school system of Chicago and other larger communities.

Compulsory
education

For the city of Chicago it is provided by law that there shall be one or more parental or truant schools for the purpose of affording a place of confinement, discipline, instruction, and maintenance of children of compulsory-school age who may be committed to such schools. Commitment to a parental or truant school is employed only as a last resort.

Parental schools

The Child Labor Law of the state forbids the employment of children under fourteen years of age when schools are in session, and requires an employment certificate issued by the school authorities in order for a child between the ages of fourteen and sixteen to obtain work. In order to obtain such a certificate, the child must have completed the first five years of the elementary school.

Child labor

Part-time or continuation schools are authorized by recent legislation in this state. Children between the ages of fourteen and eighteen who are at work are

Continuation
schools

required to attend these schools when such schools are available.

Vocational education—education for specific trades and industries—is emphasized in these continuation or part-time schools. By act of Congress of 1917 the United States government appropriates to Illinois each year a large sum of money for vocational education, subject to the condition that the state or its local communities will expend an equal amount of money. The state of Illinois now appropriates close to a quarter of a million dollars per year for vocational education. By means of continuation schools, and by means of vocational training, our public-school system has in recent years been attempting to solve more adequately the problem of training citizens for effective service after they have passed the school age.

GOVERNMENTAL ORGANIZATION FOR SCHOOL WORK

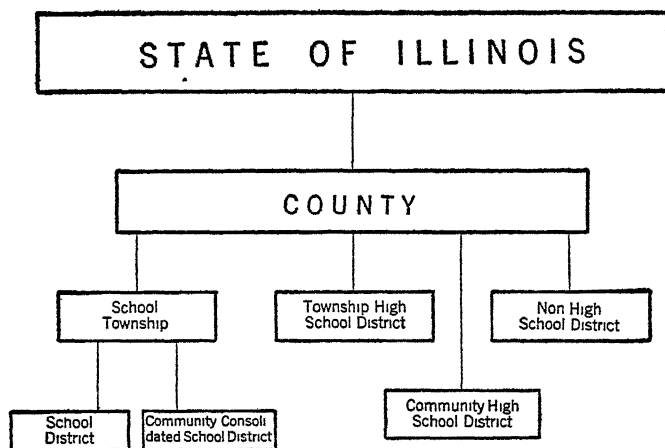
The state itself is highly important in school administration, and the state uses the county as its chief local agent. A number of other local governing bodies have been set up by law for purely school purposes. Chart XXV indicates the various types of school areas in this state, and their relationships to one another. A brief account of each of these areas and its work is given in order to present clearly the form of governmental organization in the state for school purposes.

The state as a whole serves as a school area in the performance of many of its educational activities. The work of the state centers around the state superintendent of public instruction, who is the head of the public-school system of the state.

The state superintendent of public instruction is a constitutional officer elected for a four-year term and chosen at an election which comes in the even years between those in which the governor is elected. This time of election was chosen for the purpose of removing this officer as far as possible from the rather distinctly political issues which occur in the election of the governor

The state superintendent of public instruction

CHART XXV



Types of school areas, state of Illinois

of the state and the president of the United States. The superintendent of public instruction receives reports from the county superintendents, who in turn receive reports from township trustees and other local authorities. He has authority to order the withholding of state funds if the reports required by law to be made to him are not presented. Through an organized system of supervision and advice he keeps in close touch with all the problems

of graded and high schools throughout the state. While the state superintendent has chiefly to do with the public-school system, yet through his membership upon the normal-school board, and the board of trustees of the University of Illinois, he is directly in touch with all of the educational activities of the state. He is the chief educational officer of the state, and upon his skill and ability depends the educational progress of Illinois.

The county forms an important school area and is the chief local agent in carrying out the state educational policy. At the head of the educational work of the county stands the county superintendent of schools who bears much the same relation to the county as does the state superintendent of public instruction to the state. He is elected each four years, the next election coming in the year 1926. He must be the holder of a valid supervisory county or state certificate, and must have had at least four years' experience in teaching. He receives reports from the local school officers of the county and serves as their adviser. He apportions the state distributive school fund to school townships, according to the number of persons within such townships under the age of twenty-one years. The school townships in turn apportion these funds to districts in the same manner. The county superintendent of schools has rather large powers of supervision over the school authorities within the county, and is held to strict responsibility, through reports and otherwise, to the state superintendent of public instruction. Boards of directors, and boards of education in school districts having less than 100,000 inhabitants, are required to submit plans and specifications to the county superintendent of

schools for his approval before erecting or remodeling a public-school building.

One of the areas into which the county is divided for school purposes is the school township. Each congressional township (each survey area of 36 square miles) is established by state law as a school township. Through statutory exceptions, school townships are not actually as regular as this in their areas and boundaries. The existence of the township as a school area is primarily due to the federal grant of land in each township for school purposes. In each school township three school trustees are elected. These trustees establish and change the boundaries of school districts, appropriate and distribute to school districts the income of township school funds and state school funds, and elect a township treasurer. The theory is that all local school districts should be parts of school townships, but in a great many cases school districts cross township lines and sometimes county lines. The provisions of law for the consolidation of districts and for the creation of community school districts add to the possibility of school districts crossing township and county lines. School township

The school district is the primary unit of educational administration, and in most cases is a subdivision of the school township. In 1921, there were 11,914 school districts, covering every portion of the territory of the state. These school districts are provided by law, and are of several different types: (1) In school districts having a population of less than 1,000 there is a board of directors of three members with terms of three years, one member elected each year. (2) In districts having a population of from 1,000 to 100,000 there are boards of education School districts

composed of a president, six members, and three additional members for each 10,000 inhabitants, not exceeding fifteen members in all. The president of this board is elected for one year, and the members for three years, one-third each year. (3) Cities of over 100,000 inhabitants—this now means only the city of Chicago—constitute a separate school district. They have a board of education of eleven members appointed by the mayor with the approval of the council for five-year terms, the terms so overlapping that the board always has a majority of members who have seen service upon it. As pointed out in chapter xii, this board chooses a president and vice-president each year, and selects a superintendent of schools, a business manager, and an attorney each for four-year terms.

In addition to these three types of school districts there were in 1921 twenty-eight districts under special charters. In some of these cases the school district has the same limits as a city and the board of education is appointed (as in Chicago) by the mayor of the city. In other of these districts there are elective boards as in Decatur and Peoria. On the whole, however, school districts substantially independent of other local governing areas cover every portion of the state, and perform their duties independently of other local governing bodies which cover the same area.

The powers and duties of school directors and of boards of education are prescribed at length in the school law. Boards of education are given greater authority than are school directors. In general, the school directors and the boards of education have power to appoint teachers, determine their salaries, regulate the course of

study, levy local taxes for school purposes, and to do various other matters which may be necessary in the actual operation of a school system. A legislative act of 1917 permits the consolidation of school districts by popular vote. In case of consolidation, the board of directors is composed of five members

An act of 1919 permits any compact and contiguous territory bounded by school-district lines to organize a community consolidated school district. If the vote within the proposed district is favorable, a board of education composed of a president and six members is provided. They are elected for the same terms and in the same manner as boards of education in school districts having a population of from 1,000 to 100,000 inhabitants. The board for the consolidated district has the same powers as boards of education in school districts of 1,000 to 100 000 inhabitants.

The purpose of the act of 1919 as well as of the act of 1917 permitting consolidation is to make it possible to organize a school system more effectively than can be done in school districts with small populations. The community consolidated school district is merely a larger district for the operation of a school system. Many school districts have, of course, a large population, and in a great many cases these districts run high schools as well as graded schools. But in districts of small population it is out of the question to run a satisfactory school system, and for this reason laws have been passed permitting the consolidation of districts or their organization into larger areas.

The voters of any school township in the state are authorized to organize a township high-school district.

Community
consolidated
school district

Consolidation of
districts

Township high-
school district

As early as 1867 a township high school was organized under a special charter at Princeton. In 1920 there were 243 township high schools. If a township organizes for the purpose of operating a township high school, a separate township high-school board of education is provided, of five members elected for three-year terms in such a manner that a majority have always had some service upon the board. Boards of seven members are found though for the schools organized under an act of 1911, later held invalid. The township high school is organized in complete independence of the organization of the school township covering the same territory. The township high-school law also authorizes two or more townships or two or more school districts to unite in forming a high-school district.

An act of 1919 permits the creation by popular vote of community high-school districts. Any contiguous and compact territory may, by a local election, establish a community high-school district, with a board of education of three members, elected for three-year terms, but in such a manner that a majority will have had some service upon the board. The community high-school district may cross school-township lines. The community high school is one of the means by which areas of territory within the state may organize into larger districts for the maintenance of an effective school system.

An act of 1917 provides that the territory of the county not within a district maintaining a high school shall be organized into a non-high-school district for the purpose of raising funds by taxation to pay the tuition of pupils going to high schools outside of the district. It provides for a board of education of three members

elected for three-year terms, and for the county superintendent of schools as ex officio member and secretary of this board.

The chief difficulty with the present school organization of the state of Illinois is that the school system is based upon the small school district as a unit. Of the 11,899 local school districts in Illinois in 1918, 11,252 had less than 1,000 inhabitants each. Each of these school districts had too small a population for the efficient organization and conduct of a school system. These districts were handicapped not only by the limited number of pupils within the district but also by the district's necessarily small amount of taxing power. In 1921, there were 3,337 schools in Illinois with an enrolment ranging from 6 to 15 pupils, and 199 schools with fewer than 6 pupils each.

District too
small a unit

By state law, a number of devices and makeshifts have been provided in order to escape from the difficulties presented by the small school district. The township high-school law permits the school township to organize itself for high-school purposes, and thus to consolidate for the whole township the school work for pupils above the eighth grade. Legislation of 1919 (1) for the creation of community consolidated school districts and that of the same year, (2) for the establishment of community high-school districts, coupled (3) with legislation of 1917 permitting the consolidation of school districts, all offer opportunities for the organization of larger districts for school work. But each of these laws adds to the complexity of the school organization. Each leads to the overlapping of school districts and to the multiplication of local areas for the performance of almost the same type of governmental service.

Efforts to obtain
larger areas

One of the things urgently needed in connection with the school system is the simplification of areas, and the development of larger units for the conduct of school work. The rapid completion of an elaborate system of hard roads will aid in the movement for larger areas of school government. A step in aid of the movement for larger areas was taken by the Illinois General Assembly in 1917 when it authorized the consolidation of school districts and required directors of consolidated schools to "provide free transportation for pupils residing at a distance from such consolidated school site." Consolidation of schools into larger units cannot be made effective unless there is some easy means by which the pupils may reach the consolidated schools

THE STATE AND THE PUBLIC SCHOOLS

The public-school system of Illinois receives some support from the early federal grants and from the more recent, national appropriations in aid of vocational education. However, the national government bears a comparatively slight portion of the expense of maintaining the state public-school system. Through taxation the state and its local areas bear the cost of an elaborate organization of free schools. The state now provides an annual distributive fund of \$8,000,000 for this purpose; and through its superintendent of public instruction supervises this organization.

The state superintendent of public instruction is given authority, together with the department of health, the state architect, and the state fire marshal, to prepare "specifications for the minimum requirements for the heating, ventilation, lighting, seating, water supply,

toilets, and safety against fire" which will conserve the health and safety of children attending the public schools. By means of this power it has been possible to improve materially the safety of school buildings throughout the state.

The state superintendent of public instruction is chairman of an examining board composed of three county superintendents, each serving three years, and one person engaged in educational work appointed annually by the superintendent of public instruction. Examinations for county certificates of teachers are held under rules prescribed by this examining board. Uniform questions for each examination are prepared by the board and sent to the county superintendents. The county superintendents conduct the examinations in their counties and forward papers to the examining board. The papers are graded, and the grades returned to the county superintendent, who issues certificates to those who have passed the examinations, if in his judgment the personality and qualifications of such applicants fit them for the school work they are authorized to do by these certificates. The county superintendent is authorized to issue provisional certificates valid for one year to persons who fall below the required minimum or average for second-grade certificates, and also to certain persons who have not taken the examinations. Such certificates, however, are not renewable the second time to the same person. The county superintendent is also authorized to issue emergency certificates valid only until the next regular examination in the county of issue. State certificates are issued by the state superintendent of public instruction, and examinations are held at such times and places

Teachers'
certificates

and under such rules as he may prescribe. Beginning with 1915, the state has taken under its supervision the qualifications for teachers in the public schools of the state, Chicago excepted. There the city Board of Education controls the qualifications of teachers.

The General Assembly established in 1915 a state teachers' pension and retirement fund. By the legislation providing for this fund all teachers then in the service were permitted to accept its benefits and persons becoming teachers after the enactment of the law are conclusively presumed to come under the law. The school authorities are required to deduct certain amounts from the salaries payable to teachers, and to transmit these amounts to the board charged with the administration of the fund. The amounts vary with the number of years a person has taught. After a period of twenty-five years of service, a person who comes under the fund is entitled to receive certain annuities. These annuities are partly paid from the amounts contributed by the teachers themselves, and partly also from certain state contributions to the fund. By law it is provided that the state shall contribute an amount equal to two-fifteenths of one mill upon each one dollar of the assessed valuation of all of the taxable property of the state, exclusive of cities and school districts not coming under the provisions of the act.

By legislation of 1917 a state institution teachers' pension and retirement fund was established under similar conditions, for teachers employed in state educational or charitable institutions (other than the University of Illinois) supported wholly or in part by the public moneys of the state. Before 1915 laws had been enacted

providing for pension funds for the teachers and public-school employees of the city of Chicago, and for a teachers' pension plan for the city of Peoria. By these means the state seeks to recognize some degree of responsibility with respect to those who have spent the best part of their lives in the school service. Together with the state treasurer, the superintendent of public instruction is ex officio member of the board of trustees of the state teachers' pension and retirement fund. Three trustees are elected by the teachers contributing to this fund. The same board of trustees controls the state institutions teachers' pension and retirement fund.

The state Board of Vocational Education is composed of the director of registration and education, the director of agriculture, the director of labor, the director of trade and commerce, and the superintendent of public instruction who is the executive officer of the board. This board was created for the purpose of handling the administration of federal and state grants in aid of vocational education.

Board of Vocational Education

By legislation of 1919, school textbooks may not be adopted by local school authorities or sold within the state unless first deposited with the state superintendent of public instruction. With such deposit must be filed a bond obligating the publisher to certain conditions as to price and quality of the books. The profit of retail dealers on such books is also restricted. The city of Chicago is permitted to publish its own textbooks.

Textbooks

In 1919 the board of education or school directors of any school district were authorized to submit to the voters of such district the question of furnishing free school textbooks for the use of pupils. The question may also

Free textbooks

be submitted by a petition of 5 per cent or more of the voters of the district. If a majority of the votes cast upon the proposition is in favor of furnishing free textbooks, it is the duty of the school directors or the board of education to furnish free textbooks, and to lend such books free to the pupils of the district. The textbooks so furnished to pupils remain the property of the district. The school authorities are also required to make arrangements for the sale of textbooks at cost to pupils wishing to purchase them. The plan of furnishing free textbooks may be discontinued by a vote of the people of the district, after four years. On June 6, 1921, the people of Chicago voted to adopt the free-textbook plan.

In addition to the schools that have already been discussed, the state assumes a special obligation with respect to the education of the deaf, dumb, and blind. The state maintains institutions for these purposes at state expense, and also bears a portion of the cost of instruction provided by school districts.

In a number of its institutions, the state provides educational training for inmates, and some of these institutions are primarily educational in character. Under certain conditions children may be committed to the St. Charles School for Boys or the State Training School for Girls at Geneva. The state also pays a part of the expenses of school districts in maintaining schools or classes for delinquent children.

IMPORTANT STEPS IN THE DEVELOPMENT OF THE PUBLIC-SCHOOL SYSTEM

In 1918 the state superintendent of public instruction summarized under eight headings the important steps in

development of the present public-school system of Illinois. The eight steps are presented below, with an indication of further action taken since 1918, and with the addition of a ninth step.

1. The first compulsory attendance law was enacted in 1883.
2. The annual state distributive fund was increased from \$1,000,000 to \$2,000,000 in 1911; from \$2,000,000 to \$3,000,000 in 1913; and from \$3,000,000 to \$4,000,000 in 1915. In 1919 this fund was increased from \$4,000,000 to \$6,000,000 per annum, and in 1921 from \$6,000,000 to \$8,000,000 per annum.
3. The act authorizing the superintendent of public instruction and the state examining board to examine and certificate teachers for state and county certificates was passed in 1913, effective July 1, 1914.
4. An act which provided that the high school tuition for eighth grade graduates be paid out of public funds was passed in 1913.
5. An act providing for state wide pensioning of teachers was passed in 1915.
6. An act passed in 1915 required sanitary inspection and construction of school buildings.
7. An act passed in 1915 set the qualification for the office of county superintendent of schools.
8. An act passed in 1917 places every foot of territory in Illinois in a high school district or in a high school tuition district. For the first time in the history of the state all boys and girls in the state were given a free and equal opportunity to secure a good high school education.
9. An act passed in 1919 provides for the establishment of continuation and part time schools; and another act passed in the same year accepts federal aid for vocational education. State appropriations are now made for the purpose of carrying out plans for vocational education.

The Illinois Educational Commission, which made its final report in 1911, made a complete survey of the public-school system, and its recommendations have to a large

Educational
program

extent constituted the program followed in the rapid educational development since that date. The Illinois State Teachers' Association has been an important factor in this development, which has been guided by the superintendent of public instruction as the chief educational officer of the state. Another educational commission has recently investigated the school system, under authority of a legislative act of 1921.

One of the outstanding features of school development in Illinois has been the unprecedented growth of the high school. Within the last decade the high-school enrolment has more than doubled. In 1921 there were 888 high schools in the state with a total enrolment of 139,752. Illinois now offers free to every boy and girl who has completed the eighth grade a four-year, high-school education. Despite these facts, too few students avail themselves of high-school education. In 1921 the total enrolment in all of the four years of the high school did not exceed that of the eighth grade alone.

The junior high school movement challenges the traditional plan of the public-school system with its eight elementary grades and four-year high school. At present there is no absolute uniformity among junior high schools, but on the whole its advocates indorse the six-three-three plan as opposed to the eight-four. The six-three-three plan provides for six elementary grades with an intervening three-year junior high school followed by a three-year high school. The principal advantages urged in favor of the junior high school are briefly administrative expediency, psychological treatment of adolescence, and promotion of democracy. Undoubtedly the six-three-three plan is more flexible. And the junior high

school, through its enlarged and partially differentiated curriculum with a partial elective system, its departmental teaching with particular consideration of individual differences, and its pre-vocational training with special emphasis upon laboratory, manual arts, and practical commercial activities, is designed to make special appeal to the pupils of the seventh, eighth, and ninth grades. The junior high school has been adopted in many cities of Illinois, and in 1921 there were forty-four school districts, each with a junior high school.

Through elementary and secondary education the state is consistently seeking to develop an educated citizenship. In the effort to attain this end, compulsory school attendance is provided and enforced between certain ages. In order that the citizen may properly understand his relation to government, the state provides for special instruction in citizenship. A legislative act of 1921 requires that not less than one hour in each school week be devoted to "American patriotism and the principles of representative government" in the seventh and eighth grades and in each of the four years of the high school.

HIGHER EDUCATION IN ILLINOIS

The state of Illinois has a duty not only with respect to elementary and high-school education, but also with respect to higher education as well. In the performance of this duty, the state has established five institutions primarily for the training of teachers: Illinois State Normal University at Normal, founded in 1857; Southern Illinois State Normal University at Carbondale, founded in 1869; Northern Illinois State Teachers College at De Kalb, founded in 1895; Eastern Illinois State Teachers

College at Charleston, founded in 1895; Western Illinois State Teachers College at Macomb, founded in 1899. While organized primarily for the purpose of training public-school teachers, these institutions also perform additional and important functions in the higher educational system of the state.

The management of these five institutions for the training of teachers is vested in the State Normal School Board. This board is composed of nine persons appointed by the governor, together with the director of registration and education, and the superintendent of public instruction who is also secretary of the board.

The University of Illinois was chartered in 1867 as the Illinois Industrial University, and this name was changed to the present one in 1885. The university has grown rapidly in numbers, and had in 1922-23 a total enrolment of 10,869 students. In 1911 provision was made for the annual levy and collection of a tax of one mill for each dollar of the assessed valuation of the taxable property of the state, the proceeds to constitute a fund for the use and maintenance of the University of Illinois. The one-mill tax rate was based upon a plan of levying taxes upon one-third of the full valuation. In 1919 this plan was changed so as to levy taxes upon one-half of the full valuation, and the tax was therefore reduced to two-thirds of a mill. From this source and from certain federal sources, the university has received biennially between \$5,000,000 and \$6,000,000. With the great increase in the number of students since the ending of the world-war, and with the rapid extension in the activities of the university, this amount proved inadequate. The General Assembly, therefore, authorized a material addi-

tion to funds available for the support of the university. For the two-year period, 1921-23, the university receives an appropriation from the state treasury of nearly \$9,000,000. Through its regular instruction and its various short courses, and through its agricultural experiment station and the work of its various laboratories, the university reaches every corner of the state, and touches practically every phase of life.

The establishment of the university was in reality brought about by the federal legislation of 1862, making large grants of public lands to the states for the purpose of founding colleges to give special attention to agriculture and the mechanic arts. Since 1862 Congress has increased the grants for the purposes of the university, by legislation of 1890, 1907, and 1914. Certain of the funds granted for purposes of higher education by the national government are no longer in the hands of the state. But the state pays interest upon these funds through appropriations from the state treasury. In this manner, the state appropriates to the University of Illinois the sum of \$65,000 each two years as interest on the endowment fund. Under the so-called "Morrill" and "Nelson" acts passed by the United States Congress, \$100,000 comes into the state treasury each two years from the national government, and is reappropriated by the General Assembly of the state to the University of Illinois.

The University of Illinois is governed by a Board of Trustees. This board is composed of the governor, the state superintendent of public instruction, and nine members elected by the people of the state for six-year terms, three each two years.

Federal aid

The Board of
Trustees of the
University of
Illinois

PUBLIC LIBRARIES

The maintenance of libraries has come to be recognized as a necessary part of the educational system of the state. The state through the University of Illinois and its state normal schools maintains libraries for the use of these institutions. The state also maintains at the state capital a state library and a state historical library, and conducts through the state library an extension service for the development of library activities in local communities.

Not only this, but the state has enacted legislation by virtue of which local communities may maintain public libraries, levy taxes for their maintenance, and borrow money for the construction of buildings. In cities, public libraries are managed by a board of nine directors, three appointed each year for three-year terms by the mayor with the approval of the city council. If a town, village, or township votes to establish a free public library, it elects a library board of six directors, one-third each year for three-year terms. County libraries may be established with boards of five members, one appointed each year for five-year terms by the county board. The library activities of the state have chiefly developed in recent years, and form an important portion of the educational work under the supervision of state and local authorities.

STUDY QUESTIONS

1. What officers have control over the schools in your community? Outline the types of school districts in your county and their relationship to one another.
2. How much money is spent for school purposes in your district?
3. How many pupils are in the public schools of your district? How many in each grade and in each year of the high school? How many are in private schools?

- 4 How many children have employment certificates? What must they do in order to obtain such certificates?
- 5 What is the organization in your district for enforcing compulsory school attendance, and how well does it work?
- 6 What is being done in your community as to continuation and vocational schools? Are your schools receiving state and federal aid for vocational schools?
- 7 How many teachers are there in your schools, what are they paid, and for how many months are they paid?
- 8 Do you have free textbooks? What are the arguments for and against the free-textbook system?
- 9 What is the state doing in connection with (a) graded and high schools, (b) vocational education, (c) the training of teachers, (d) the University of Illinois, (e) the education of the deaf and blind? In what other ways does the state encourage education or conduct school work? A full statement regarding each of these matters will be found in the latest biennial report of the state superintendent of public instruction. Write to secretary of state, Springfield, for this report.
- 10 What printed report is issued for the school system of your community? The Chicago Board of Education issues a valuable report each year. If your school board does not issue a report, find out by personal investigation the more important facts regarding your school system.
- 11 Has your community or your county a library board? Get a copy of its printed report, if one is issued. If no printed report is issued, find out by personal investigation what your library board is doing.
- 12 How many of those qualified to vote actually voted in your last school election? In your last election for members of a library board?

CHAPTER XIV

STATE POLICY AND ITS ENFORCEMENT

TYPES OF POLICIES AND OF ENFORCING METHODS

Each governing body exercising authority over the territory of Illinois has some share in the announcement or enforcement of governmental policies. Through acts of Congress the government of the United States lays down policies binding in Illinois and in all other states. The Illinois General Assembly by law determines the general policies to be announced and enforced throughout the state. The state does not itself desire to establish policies as to many matters, and authorizes cities and other local communities to establish their own policies.

National and state policies relate in many cases to the same matters. Laws for the prohibition of the sale of intoxicating liquors are enacted and enforced both by the United States and by the state. Upon matters of education, road construction, and the protection of agriculture, both governments have policies, and they of necessity work in harmony for the enforcement of such policies. Upon a much greater number of matters, state policies are independent of those announced and enforced by the national government.

The state government has by law established a great mass of policies. It prohibits and provides for the punishment of murder, arson, larceny, and a great number of other crimes. It provides the judicial means and the rules for the settlement of contests as to private rights

with respect to property, contracts, and other matters. It provides general plans for road construction and maintenance, and for schools; determines the conditions under which persons may practice medicine and a number of other professions, prohibits the employment of child labor; regulates the hours of women's labor; regulates conditions in the interest of safety in factories and mines; regulates the operation of automobiles, and numerous other matters. It determines what powers shall be exercised by the various local governing areas of the state; controls the taxing and debt-incurring powers of such areas; and is interested in the efficiency with which these areas expend their revenues and perform their governmental services. Cities need more detailed regulations as to various matters than does the state as a whole. Cities are, for this reason, given wide power to establish certain local policies of their own; and regulate in some detail the construction of buildings, pass rules for the protection of the health of their citizens, and enact ordinances on numerous other matters.

No sharp line separates state functions from those that are local on the one side and those that are national on the other. Railroads were at first mainly regulated by the states, but control in this field is now primarily in the hands of the national government. In Illinois the construction and maintenance of roads was at first primarily in the hands of local officers, but now the state is the chief factor in this field. The state government through its legislature determines what policies shall be laid down for the state as a whole, and what ones shall be left largely or wholly to the local communities. The state government has steadily increased the extent of

Changing
policies

state policies, though in many fields the state while announcing a policy at the same time leaves a large control to local communities as well.

There is a close relationship between the things done by the state and by its local governments. For example, the state maintains a number of parks, and authorizes the local creation of park districts and forest preserve districts. The state and these local districts are performing the same type of function. The state maintains charitable and penal institutions, but counties are required to establish and maintain almshouses and jails. Plans for jails and almshouses to be erected by local authorities are required to be submitted to state authority for criticism and suggestions. In a number of fields, the state has a policy of its own, in whose execution it uses local governing areas, though leaving to them some control as to local policy in the same matter. As outlined in chapter xiii, the state and its local agencies unite in carrying out a single educational program. To some extent, there is a similar relationship in governmental activities in the field of charities. In the important field of child welfare, the state and its local governments necessarily work in close co-operation. The state and its local governments use the same machinery for the assessment and collection of taxes. When we look at the state, we must think not merely of the state capital. We must see a government composed of an organization centering in the state capital, but operating throughout all the territory of the state, by means either of its own officers or employees, or through county, town, and other local governments which act as agencies of the state.

In the enforcement of state policy, the state executive and judicial departments have an important share, as do also the various locally elected officers. Some policies are primarily enforced through prosecutions in the courts and the imposition of criminal penalties. Such a method has little value in the carrying out of a policy for the establishment and maintenance of an adequate system of public schools. Even where criminal penalties are of value, they form only a part of the necessary machinery of law enforcement. In connection with public health, for example, certain acts are forbidden under threat of fine or imprisonment. But such threats cannot be often put into execution, and the effectiveness of health administration depends primarily upon the day-by-day work of state and local health departments. As government has undertaken new functions, it has necessarily built up a more elaborate state and local administrative organization.

Methods of
enforcement

The problem of enforcing state policy throughout the whole territory of the state is one of using several somewhat diverse elements. All officers and employees are chiefly concerned with the enforcement of governmental policy: (1) Although the constitution directs the governor "to take care that the laws be faithfully executed," yet the governor is only one of a number of agencies for the enforcement of state law. In many respects, he does not have command of the agencies for such enforcement. Though limited in his authority, he is the chief enforcing officer. Associated with him are a number of state executive officers, some appointed by and responsible to him, but others popularly elected and not under his direct control. The attorney-general, the chief prosecuting

Types of enforcing
agencies

officer of the state, is elected by popular vote and independent of the governor. (2) There are locally elected officers such as the sheriff, the state's attorney, and the officers of the city governments. Through their officers and employees all of the local areas of government indicated in Chart II on page 28 are in one way or another agencies to carry out state policy. (3) There is a judicial organization, composed of courts running from justices of the peace upward to the Supreme Court. Judges of the circuit court are elected by the voters of the several circuits, and judges of the Supreme Court are elected from districts into which the state is divided. Criminal cases are tried by juries whose members are drawn from the county in which the crime is alleged to have been committed. One of the most important problems of state government is that of organizing these several groups of officers so that state policy may be effectively enforced. No effective organization for this purpose has yet been established in Illinois or in any other state.

In Illinois, as in other states, the state government seeks to enforce its policies, first, by directly doing many things through its own officers and employees; second, by leaving certain detailed work to local officers, under the supervision of the state; and third, by leaving work to local officers, with little or no state supervision. (1) When the state lays down a policy, it does not in most cases set up a complete organization at the state capital or elsewhere to enforce that policy. It does, through its own officers, directly operate and administer a number of institutions, among which are the penal and charitable institutions, the normal schools, and the state university. For grain inspection, licensing of trades and professions,

the creation and control of corporations, supervision of security issues and of banks, building and loan associations, and insurance, the state government sets up its own organization, and calls for little or no aid from local officers. For the enforcement of fish and game laws and of laws regarding labor and mines, the state has established its own central organization, but relies to some extent on aid from local officers. (2) On the other hand, state policy as to roads, public schools, health, and many other important matters is to a very large extent carried out by local officers, under a supervisory control established by the state government itself. (3) In the highly important field of enforcing the criminal law, state policy is carried out by locally elected officers, with little or no supervision on the part of the state. The effectiveness with which a state policy is enforced largely depends upon the extent to which the state has provided for its enforcement.

WORK DONE DIRECTLY BY THE STATE GOVERNMENT

The state cannot do all of its governmental work through local officers, although it uses such officers to a large extent in carrying out its policies. The state has set up at Springfield a central state organization with nine administrative departments whose heads are appointed by the governor, and a group of elective state officers as well. This organization now numbers something like 10,000 officers and employees. There are branch offices of this central organization in Chicago and some other cities. This central state organization has been created in large part for the purpose of supervising, advising, and aiding local authorities in the performance

Central state
administration

of their work as agents of the state government, though the state also does much of its work directly, without using local officers.

The state has a large number of charitable and penal institutions and in these institutions takes care of thousands of inmates. The state organizes institutions for the care of the insane and of certain other types of dependents, because large institutions must be developed for these purposes. The counties are too small to serve as units for the care and treatment of the mentally defective. The same statement applies to institutions for the reformation of offenders and for the care of hardened offenders. For this reason, the state has built up a large group of institutions directly managed by the state government itself.

Of greater importance from the standpoint of the state and its permanent interests are the educational institutions directly established and supported by the state government. The state university and a group of normal schools serve the purpose of higher education, and also, to a large extent, train the teachers who are to serve in the public-school system of the state.

Education, charities, and corrections are by no means the only matters handled directly by the state government. The state government has organized departments for the purpose of dealing with agricultural, mineral, health, and other problems. The state has developed a central organization for the exercise of supervision over certain types of commercial activities, such as banking, insurance, and the sale of securities. It has organized, through the office of the secretary of state, machinery for the chartering and supervision of corporations; and has

a state tax commission for the administration of that part of the tax system not committed to local officers.

Although the activities of the state administration are in a few cases independent of the local governments within the state, in most cases the central state organization makes some use of, or co-operates with, local officers. It is the duty of the state fire marshal to supervise the policy of fire prevention throughout the state, and he has a force of inspectors, yet the state must rely primarily upon local officers for the enforcement of state laws dealing with fire prevention. The state has a force of factory inspectors, and assumes the primary task of enforcing the laws with respect to the employment of women and children, and safety in industrial establishments, although local officers have both the power and the duty of enforcing this state legislation as well. It is the primary duty of the chief fish and game warden and his assistants to enforce the fish and game laws of the state, but here again local officers have the power and duty also to enforce state laws.

State enforcing
services

Illinois has no organization called a state police, but it has officers who are really doing police duty with respect to special matters throughout the state. Its agents for fire prevention, for the enforcement of fish and game laws, for factory and mine inspection, and for numerous other purposes are as truly specialized state police officers as if they were designated by that name.

Specialized state
police

WORK DONE UNDER STATE SUPERVISION

It would be quite impossible to build up a complete state machinery for the enforcement of state law, independent of locally elected officers. One of the most

State must use
local officers

important features of American state government is that locally elected officers are to a large extent employed in the enforcement of state law. This policy is of distinct value in the preservation of a democratic spirit even though it costs something in efficiency and in the uniform enforcement of state policy.

- ¹ When the state lays down a policy for the whole of
⁵ its territory, that policy will not be uniformly and effectively administered if left to uncontrolled enforcement by hundreds of locally elected officers throughout the state. With some state policies the sentiment of all parts of the state is in agreement; and it may be that all elective local officers are in sympathy with, or not opposed to, the policy. In such cases, the state policy may be carried out with some degree of uniformity by local officers throughout the state. Even under such conditions the state itself must maintain some degree of supervision, because a state policy to which there is no real opposition may be effectively enforced in one community and ineffectively enforced in another. The difference here will be due chiefly to difference in the competence of locally elected officers. But when certain counties or cities do not agree with a policy announced by the state legislature for the state as a whole, some supervision must be established over the local communities if this policy is actually to be applied throughout the state.

State supervision over the conduct of local officers who enforce state policy is maintained in various ways. The General Assembly in 1913 adopted an act vesting large powers in the state government with respect to the policy of road construction, though leaving much of the detailed work to local authorities. A county superin-

tendent of highways is provided for each county. The county board submits to the director of public works and buildings at Springfield a list of from three to five persons. The state department determines by competitive examination, from among the names submitted, the person or persons best fitted for the office, and certifies the list to the county board, which then makes the appointment from among those found eligible. This state supervision over road construction was extended in 1921, by authorizing the Department of Public Works and Buildings to remove a county superintendent of highways for certain specific causes. The state government bears a portion of the expense of road construction, and no moneys appropriated by the state for the building and maintenance of state roads are apportioned to any county until a county superintendent of highways has been appointed. Through its power to determine the qualifications of the county highway officer and to remove that officer, the state government is able to keep the local policy as to this matter in accord with that of the state itself. This control is rendered effective by the fact that each county desires the expenditure of state money within its boundaries for road construction, and must comply with the state requirements in order to obtain such money.

A somewhat similar plan applies in connection with Schools public schools. State money is distributed in aid of local schools, but by law this money may be withheld unless certain requirements of state law are complied with. This illustrates one of the most effective means of state supervision over local officials. The local bodies are always anxious to obtain their share of state money.

When the central state government and its local governing areas are in substantial agreement upon the matters on which locally elected officers act as agents of the state, the state's policy can be carried out with some degree of effectiveness merely by virtue of its announcement in legislative act and its enforcement by the courts. As soon as the state government, through its legislative department, begins to lay down state-wide policies that are in agreement with the sentiment of most of the people of the state, but that conflict with the view of some of the communities within the state, difficulty necessarily presents itself. When the state government relies wholly upon locally elected officers in the several counties and cities to carry out its policy, it is natural that the state policy will be largely disregarded in those communities where the people do not care to observe it. Locally elected officers desire re-election, and will not enforce efficiently the state policy that is not in agreement with local sentiment, or perhaps will not enforce it at all. Locally elected prosecuting officers will rarely prosecute and locally chosen jurors will seldom convict persons accused of violating such state policies. A certain state's attorney of Cook County found, after a vigorous effort to enforce certain liquor legislation in that county, that it was impossible to get local juries that would convict, even in cases where the evidence of guilt was overwhelming. His efforts to convict only rendered his re-election impossible. Few local officials are willing to take the risk of defeat in order to enforce an unpopular state policy. The uncontrolled local enforcement of a policy laid down by the state government may often result in the establishment of different policies in different parts of the state.

The problem of enforcing state policy varies from one section of the state to another. The state's policy is sometimes established as a minimum which may be exceeded by local action, and sometimes as a fixed standard. With respect to such matters as school and health, the larger cities will often maintain higher standards than those set for the state as a whole. They may at the same time set higher standards than those required by the state with respect to various police matters, but be extremely lax in the enforcement of certain moral policies established by state law. Smaller communities may occasionally be more lax than larger cities in educational and health administration, while enforcing rigidly certain of the moral standards set by the state.

Varying problems in different communities

COURTS AS POLICY-ENFORCING AGENCIES

The courts are important agencies in the enforcement of state policy. They have a large degree of control over state and local officers, and exercise their power to protect individuals from abuse of authority upon the part of public officers. Under our system of law, public officers are liable for their illegal acts just as are private individuals. If they exceed their authority, suits for damages may be brought against them or they may be criminally prosecuted. The powers of the courts to protect the individual against abuse of official power have in many ways been extended. Since almost the beginning of the history of Illinois, the courts have recognized the right of a taxpayer to bring a proceeding for the purpose of preventing the unlawful expenditure of public money. So-called taxpayers' actions are frequently brought for this purpose.

Courts as agencies of enforcement

As organs for the trial of accused persons, the courts are the most important agents for the enforcement of certain state policies. Punishment of offenses created by state law cannot, however, be effectively accomplished by the courts alone. In the trial of criminal cases, the courts are largely dependent upon effective prosecutions by locally elected state's attorneys, and upon the attitude of locally chosen jurors. Even though the courts may be effective in enforcing criminal penalties, a large part of the policy of the state cannot be effectively enforced through the imposition of penalties as a result of judicial action.

The judicial power to enforce state policy has in some respects been extended by state laws. With respect to the liquor traffic and some other matters, the laws of Illinois provide that structures unlawfully used shall be public nuisances, and further authorize certain public officers or any citizen to maintain a bill in equity to enjoin the maintenance of such nuisance. The court, sitting as a court of equity, hears the application and may issue an injunction. Violation of the injunction then becomes contempt of court, punishable without jury trial. In this way a court may by injunction forbid the maintenance of buildings for a certain purpose and may punish the violation of its order, without a jury trial. The law is thus enforced directly by the court, without the use of a jury made up of people whose views may be opposed to its enforcement. By permitting any citizen to apply for such an injunction, this method of enforcing the law is made independent also of the locally elected state's attorneys.

- 1 The primary function of the court is not that of controlling the administrative officers of the state and local

governments. The possibility of an effective judicial enforcement of a uniform state policy is slight, except so far as state policy relates to the doing of justice in civil cases, or to the maintenance of order and the prevention of crime. The maintenance of order and the prevention and punishment of crime are among the most important functions of the state; and the trial of criminal cases is one of the chief duties of the courts. But the state has not organized effective means for the maintenance of order and the prevention of crime; and under present conditions the courts cannot perform their duties effectively even in this matter.

UNSUPERVISED ADMINISTRATION OF CRIMINAL LAW

The state government has not yet assumed an effective supervision over the enforcement of its criminal law. The attorney-general of the state has authority throughout the whole state with respect to the prosecution of criminal offenses. In some cases, he intervenes in a local community and assumes charge of a prosecution, as was done in connection with the East St. Louis and Herrin riots. But the attorney-general, no matter what his powers, will be able to intervene only in occasional cases of great importance. We must necessarily leave to the locally elected state's attorneys the general task of law enforcement in their respective counties. The attorney-general has large powers with respect to the prevention of the sale of intoxicating liquors, but here also the possibility of uniform enforcement of prohibition legislation from a single, central state office is not great.

The need for more uniform enforcement of the criminal laws of the state has become increasingly apparent.

Enforcement of
criminal law

State police

The state forces for the suppression of disorder and the punishment of crime are disorganized. Crime has in modern times become an organized business, not confined to the limits of one city or county. The extended use of the automobile has made it difficult for any one community to deal adequately with the problem of suppressing crime, and many states have recognized their obligations to prevent crime within their borders and to arrest those suspected of the commission of crime. In many aspects, the enforcement of criminal law cannot now be effectively dealt with merely by local officers. For this reason, state police organizations have been established in a number of states, and the establishment of a state police has been urged at several of the recent sessions of the Illinois General Assembly. Such a state police is not intended to replace local officers, for no small group of state police officers can maintain order and arrest offenders throughout the state as a whole. The purpose of a state police is that of having a small group of well-trained persons who may go from one part of the state to the other as need arises. The governor has authority to call out the militia, but the militia is likely to be called out only in cases of great emergency, and in many cases it will not be available in time to meet the emergency. A small force of state police, if established, may accomplish a great deal to obtain a more effective enforcement of the criminal law throughout the state as a whole.

The recent Herrin riots furnish an interesting illustration of the division of authority with respect to the enforcement of state policy for the preservation of order and the prevention of crime. The primary duty of pre-

serving order and preventing crime rests with the sheriff as the county's chief peace officer. In case a sheriff is unable to cope with the situation, or if the governor feels the emergency serious enough, the governor has authority to order the militia into service in order to aid in the preservation of order. In case the riot results in criminal acts, the primary authority shifts back to the county officers. The state's attorney, elected by the county itself, is the officer primarily charged with the prosecution of crime within the county, and may present facts regarding crimes to a grand jury impaneled by the circuit court sitting in that county. The attorney-general has authority to intervene and aid in matters of this character. In this case he did actually investigate conditions and aided in presenting the situation to the grand jury. In case indictments have been presented by a grand jury, the case is tried by the circuit court sitting in that county unless the accused obtains a change of venue, and the jury to try the case is impaneled from among those qualified for jury service within the limits of the county. It will thus be seen that, in a situation of this sort, authority for action to prevent crime is first vested in the sheriff, and then to a limited extent in the governor. In case a crime or alleged crime has been committed, authority rests primarily in the state's attorney of the county, in the sheriff who has authority to make arrests, in the grand jury of the county, and in the circuit court exercising jurisdiction over that county, acting with twelve jurors chosen from the county itself. The attorney-general has, however, power to take part in the investigation, in the presentation of charges to the grand jury and in the trial of persons who may be indicted. The

determination as to whether an indictment shall be brought rests in a grand jury chosen from the county, and the determination of guilt or innocence rests in the hands of a jury also chosen from within the limits of the county.

Responsibility for the preservation of order and the prevention of crime must remain, in the first instance, upon locally chosen officers; but some degree of state supervision is essential. Little has been done in Illinois toward establishing such supervision. However, state law does make it to the interest of cities or counties to prevent injuries through mobs or riots, by providing that the city or the county in case of damage due to mob violence shall be liable to suit by those injured, for three-fourths of the damages sustained. Springfield, Chicago, and other cities of the state have under this law found it necessary to pay damages to those whose property was injured because of mob violence or of riots. Legislation also authorizes the governor to remove sheriffs in case a person is taken from the custody of the sheriff or his deputy and lynched; but this does not give the governor much control. In some states the governor is given power to remove sheriffs, state's attorneys, mayors, and certain other local officers for cause after a hearing, and it may be well for Illinois to follow the example of these states.

ELEMENTS OF AN ENFORCING POLICY

One of the most serious difficulties about a uniform
7 enforcement of state policy is that such policy is not constant. At each session of the General Assembly legislation is enacted dealing with new subjects, or dealing with

old subjects in a new way. The state by means of legislation is assuming to regulate many matters previously left to individuals or to the local communities. It is natural that with the development of the state and of new needs, matters once left to the local communities should be assumed by the state government itself. There is no sharp or permanent line between functions of the state government and functions which should be left to the local communities. The state assumes new duties as new conditions develop.

But when the state lays down a policy applicable to all of its territory, an obligation rests upon the state at the same time to make sure that this policy is uniformly enforced. The General Assembly of the state would be more cautious in laying down new state policies if it realized that each new policy involves the duty of providing at the same time for the enforcement of that policy. The legislative announcement through law of a state policy is easy while the uniform enforcement of that policy throughout the territory of the state is difficult. For this reason, many policies are laid down for the state as a whole, but are to a large extent disregarded after they have been announced.

Easy announce-
ment of policy

State and local administrative officers are to a very great extent overburdened with a mass of policies announced by legislation. It often becomes impossible for the officers charged with policy enforcement to carry out all of the policies announced by legislation. Under such conditions the state and local officers charged with the enforcement of the law must exercise some discretion as to the policies which they will seek to enforce effectively. Naturally, local officers under such conditions

Burdens of
enforcing officers

disregard the policies which are least popular in their own communities.

Several factors must unite in order to obtain a uniform and consistent enforcement of state policy throughout the territory of the state: (1) There must be a better organization of the legislative department for announcing and maintaining a consistent state policy. (2) There must be an effective organization of state control over the locally elected officers who serve as agents of the state in the enforcement of this policy. (3) There must be a better organization of the local governing bodies which serve as agents for the enforcement of state policy. Local governments in Illinois overlay each other in great confusion, and the state government finds it difficult to supervise and control a whole group of local governing agents exercising conflicting authority over the same piece of territory. State policy cannot be effectively enforced unless it is somewhat permanent, and unless the state government organizes an effective means of controlling local officers in their application of state policy.

The policy of a state as it comes to be enforced is in many cases by no means the same as the policy announced by the General Assembly. The General Assembly enacts a law in which a definite policy is laid down for the whole territory of the state. Sometimes such a policy is enforced with qualifications and exceptions which make it different from the terms of the law. A policy clearly announced by state law may fail because it is not enforced by the state officers who have authority to apply it. It may fail because not carried into effect by local officers whose duty it is to enforce it; and while failing because of this fact in one part of the state, it

may actually be enforced in another part. Even though all state and local officers do their duty in an effort to enforce a state policy, this policy may fail because local juries will not convict persons for its violation. The mere legislative announcement of a policy for the state is important, but it means little as to the enforcement of that policy throughout the state. A legislative policy strongly supported by the sentiment of the whole state will be effectively enforced. Another policy strongly supported by the sentiment of most of the people of the state, but opposed by certain communities, may be vigorously enforced in some communities and not by others. Still other policies, adopted without strong public support, may be ignored throughout the greater part of the territory of the state. Yet from a purely legal standpoint all of these policies are equally binding upon the inhabitants of the whole state.

In the consideration of state policy and its enforcement Summary it should be borne in mind that: (1) It is very easy for the General Assembly to enact a law laying down a state policy. (2) The enforcement of this policy is difficult and in most cases involves not only the state executive and judicial departments but also hundreds of officers locally elected throughout the state, and other local agencies such as grand juries and juries. (3) In order to have an effective enforcement of state law and state policy, the General Assembly must be cautious in announcing new policies, and must organize the enforcing authorities in such a manner that some one person can finally be held responsible by the people for failure to carry out the policy.

STUDY QUESTIONS

- 1 By what officers is prohibition enforced in your county? in your city?
- 2 Study the relations between the United States government, the government of Illinois, and that of your county and town, or road district, in the construction and maintenance of roads
- 3 What relationship has the sheriff of your county to the governor of Illinois? To what extent can the governor control the sheriff?
- 4 What state policies are strictly enforced in your community? What ones are not enforced or are laxly enforced? What are the reasons for the difference?
- 5 What local policies are laid down by your city council? How are they enforced?
- 6 Does your county have a farm adviser? If so, how much of his salary comes from the state treasury? What relations has he with the state and national government?
- 7 In what way does the state seek to safeguard the health of your community, and to what extent does it work with your local health officer?
8. What does the state do to protect property in your community from fire?
9. Does the state inspect your local jail and almshouse? If it does, find out what the state government thinks of these institutions in your county.
10. For a full and satisfactory statement of the manner in which state and local governments should work together in carrying out an important policy, read the report of the Children's Committee, presented in 1920 to the state Department of Public Welfare.

CHAPTER XV

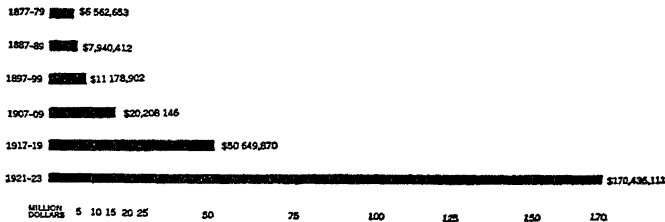
THE COST OF GOVERNMENT

GROWING COST OF GOVERNMENT

To government as to each individual a question of the greatest importance is that of getting money to meet its expenses. There has been a rapid growth in the number of things done by government, and necessarily at the same time a rapid growth in the expense of doing these things. This statement is true not only of state government but also of the governments for each of the local

Increase in government expense

CHART XXVI



Increase in appropriations during a period of years, state of Illinois

areas of the state. Let us take for specific illustration the state government, to which the General Assembly makes appropriations each two years. The growth of these appropriations since 1877 is shown in Chart XXVI.

The total appropriations made for 1919-21 and 1921-23 are greatly increased because of the fact that, for each of these two-year periods, expenditures were authorized from the \$60,000,000 bond issue for roads, and

State appropriations

from the \$20,000,000 bond issue for a deep waterway. These large amounts are not actually to be expended during any two-year period. The principal and interest of these bond issues are to be borne by the state over a twenty-year period.

In the earlier years of the state, appropriations for two-year periods did not exceed \$100,000. For the two-year period, from 1846 to 1848, they were not much over \$300,000. Each citizen may without great difficulty discover the rapidity with which expenditures have grown for each of the governments exercising authority over him.

HOW THE GOVERNMENT RAISES MONEY

The general property tax is the chief source of income for the state government, and for all of the local governments of the state. The constitution provides that:

The general assembly shall provide such revenue as may be needful by levying a tax by valuation so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property—such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct and not otherwise

This constitutional requirement relates to state taxes, but by another provision of the constitution a similar requirement is made with respect to taxes levied by municipal corporations.

The state, counties, cities, and all other governing bodies under state authority, obtain their chief source of income from the general property tax. It is natural, therefore, that the state should provide one piece of machinery for the valuation of property for taxation, and one piece of machinery for the collection of this tax.

To have each separate taxing body make an independent assessment and collect its taxes independently would unduly inconvenience the taxpayer and lead to highly undesirable results. The constitution itself expressly provides that in case of the non-payment of taxes on real estate a return of unpaid taxes or assessments shall be made to some general officer of the county having authority to receive state and county taxes, and that no sale of property for such taxes or assessments shall be made except by this officer. By state law, provision is made for the assessment of property for taxation, for the collection of taxes, and for the sale of property for non-payment of taxes.

In counties other than Cook County which are under the township organization, the voters of the civil town elect a township assessor who makes the original assessment of real and personal property within the township. The county treasurer is ex officio supervisor of assessments, but the actual work is done by the township assessors, under rather slight supervision. The assessments made by the township assessor are reviewed by a county board of review. Township
assessor

For Cook County the township has been largely abandoned as the unit for the assessment of property for taxation. There is an elected board of assessors of five members and an elected board of review of three members. The township assessor remains, however, for civil towns not lying wholly within the limits of a city. Cook County
assessment

In counties not under the township organization the county treasurer is ex officio county assessor, and the board of county commissioners constitute a county board of review. Legislation of 1898 materially reduced the Counties not
under township
system

powers of township assessors in Cook County. It provided for a county supervision over township assessments in other counties under the township system. For the counties not under the township system state law definitely provides for a single, county-assessment system. After being passed upon by a county board of review all county assessments go to the state tax commission for equalization.

The plan of township assessments which still exists in most of the counties of the state has proved unsatisfactory. The township assessor is locally elected, and does his work without adequate supervision. No amount of county or state supervision can make the assessment of property for purposes of taxation much better than the original assessments made by the local officer. Each township assessor proceeds to a large extent as he wishes. He is responsible to the voters of his own civil town, and oftentimes may not wish to offend influential taxpayers. The county treasurer as supervisor of assessments, the county board of review, and the state tax commission may accomplish something to remove gross inequalities in assessments as among the several towns within a county, and as among the counties in the state. But if one township assessor proceeds upon a distinctly different basis from that of other township assessors (as is often the case in this state), defects in the actual valuation of each individual's property cannot be corrected by incidental readjustments in the reviewing of individual assessments, by the equalizing of assessments among townships of the county, or by the equalizing of assessments among counties. Unequal assessments cause an inequality in the taxes that people are called upon to

pay. The civil town is too small a unit for the governmental work of assessing property for taxation. Defects in the system of assessing property affect not merely the taxes of the civil town, but all of the general property taxes that we pay for the support of state and local governments

It has proved out of the question to leave the assessment of certain types of property to town and county authorities. The state tax commission itself directly assesses certain railroad property designated as "railroad track" and "rolling stock," and the capital stock of larger types of corporations doing business in the state. "Corporations organized for purely manufacturing and mercantile purposes, or for either of such purposes, or for the mining and sale of coal, or for printing, or for the publishing of newspapers, or for the improving and breeding of stock" have their capital stock assessed for taxation by the local taxing authorities. But other corporations are assessed by the state commission. The assessments made by state authority serve for both state and local taxes.

Assessments by
state tax com-
mission

The general property tax has been used as the chief source of governmental income since the early history of Illinois. The tax is based upon the notion that all property should be treated alike for the purpose of bearing the cost of government, and that it can be equally assessed for purposes of taxation. Under a satisfactory assessment plan, it would be possible to obtain for the whole state valuations upon the same basis, of real property—lands and buildings—which can be readily found and whose value can be discovered with sufficient care and time. Under the township system of assessment, with

Theory of
general property
tax

each township assessor deciding how he shall make valuations, there is great inequality throughout the state even in the assessment of real property.

When we come to what is termed tangible personal property—personal property that can be seen and handled—there is greater difficulty in assessing equally than in assessing real property. But even here equal assessment is to a large extent possible if a sufficient degree of care is exercised in obtaining the actual valuation of a merchant's stock in trade, of live stock, farm implements, and other types of tangible personal property. This statement is not so true of personal property even of a tangible sort where a small object has great value as in the case of jewels. Such objects cannot be so easily found by the assessor.

When we come to what is termed intangible personal property—stocks and bonds, for example—which are not in themselves valuable but which represent the owner's interest in things that are valuable, the tax assessor has a practically impossible task. If the taxpayer locks up his stocks and bonds in a safety-deposit vault and does not tell the assessor about them, there is no way by which the assessor can find out the existence or value of this property. By no amount of legislating has it yet proved possible in this country to force the taxpayer in such a case to tell the assessor about this property. Stocks and bonds have been used merely as illustrations. The same statement applies to money which the taxpayer may have on deposit in the bank, and to other types of intangible property.

While the general property tax, required by the constitution of this state, treats all property as if it were

alike, all property is not actually alike. Why is it that the owner of stocks and bonds fails or declines to tell the tax assessor that he owns such property? The law requires that a taxpayer make a return under oath of his personal property, and imposes certain penalties upon him if he does not do this. But the law in this respect is not ordinarily observed either by the assessor or by the taxpayer. Why should this be the case? Let us take a specific illustration. Suppose a person saves \$100 and invests it in a bond that pays 5 per cent, and that is subject to taxation. United States government bonds are not subject to state taxation. A blank is given to him upon which he is required to report to the tax assessor at its full value all of the personal property that he owns. One-half of its full value is then used as a basis for taxation (just as one-half is also used as the basis for taxation of real property). If, in 1920, the person lived in a portion of Chicago lying within the Lincoln Park District, he would be asked to pay a tax of \$5.89 upon each \$100 of taxable value (that is upon each \$200 of actual value of his property as returned to the tax assessor). This means that upon the \$100-bond the owner should pay half of \$5.89. For all purposes of state and local taxation under the general property tax, the owner would be paying \$2.945 of the \$5.00 which he was to receive upon his investment. If his income were such as to make it necessary, he would also pay an income tax to the national government. If he can avoid it, the owner of the bond will not pay each year an amount equivalent to practically three-fifths of the value of his property, for to him the value of a \$100-bond is the \$5.00 each year which he receives upon that bond. It is easy to evade

this payment, and human nature generally resorts to evasions rather than make the payment. For this reason, practically all of what we term "intangible personal property" that can escape taxation actually does escape. Real property and tangible personal property are in many cases assessed much below their true value; and sometimes what is returned by local tax assessors as the true value of real property runs as low as one-fifth of its actual value. Much of the real property of the state of Illinois is not paying taxes upon the basis of its actual value. If a bond is valued at \$100, however, there is no plan under which it can be returned at less than its full value and be taxed upon that basis. There is no excuse for evading taxation, but a tax system is defective which encourages wholesale evasion.

Defective tax
system

The whole difficulty in our taxing system is that in a complex industrial organization there are numerous types of property, and our tax system proceeds upon the assumption that all property is alike. This assumption may have been true when Illinois was a frontier state without large investments in stocks and bonds, but it is now no longer true. Real property and much of what we term "tangible personal property" have a fixed location and cannot move. What we term "intangible personal property" can leave the state, if taxes become too heavy.

Efforts to im-
prove tax system

This is one of the most serious problems now facing the people of Illinois. A proposed amendment to the constitution seeking to help solve this problem by permitting classification of personal property for taxation came very nearly being adopted by the people of Illinois in 1916. The rejected constitution of 1922 permitted the

substitution of an income tax on the income from intangibles for the taxation of such property by valuation. This would have been a step in advance, though a short one. In addition a new tax was permitted upon all net incomes, and this provision was in large measure responsible for the defeat of the proposed constitution.

For the purpose of assessment the full value of property is taken, and one-half of its full value is entered as assessed value. The use of one-half of full value rather than the full value itself has an interesting history. Before 1898, the law required that property be taxed at full value. The tendency of local assessors to under-value property led in 1898 to the establishment by law of the rule that property should be assessed at its full value, and that one-fifth of its full value should be taken for purposes of taxation. The purpose of this law was to recognize the fact that the assessors at that time took only about one-fifth of the real value of property and called it full value. The assessors were after 1898 to determine the full value of property but to set down one-fifth of this as assessed value. In 1909, the basis of taxation was changed from one-fifth to one-third of the full value; and, in 1919, the basis was again changed from one-third to one-half of the full value. The reason for the change in 1919 is simple. The state constitution does not permit any municipal corporation in the state to incur an indebtedness "in the aggregate exceeding five per cent on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness." The Supreme Court had held that this constitutional requirement limits indebtedness to 5 per cent of the value of

property for tax purposes, and this meant 5 per cent of one-third of the full valuation. The city of Chicago had practically reached its debt limit, and wanted to borrow money for other purposes. The change from one-third to one-half of the full value for tax purposes was made so as to give the proportionate increase of borrowing power to the city of Chicago. This, at the same time, gave the same proportionate increase to other cities of the state.

How the tax
rate is made

The general property tax is employed not only by the state but by the different governmental agencies of the state. The general property tax rate for any community is made by adding together all of the rates imposed by the governing bodies over that community. The rates fixed by certain governing bodies may under certain conditions be scaled down by the county clerk, when he computes the total rates for the different parts of the county. The rate varies within the limits of a single city, and within different parts of the same county. Every citizen ought to get each year a table indicating the different items which go to make up the total tax rate that he must pay. An illustration based upon the assessed valuation of \$100 is given below of the items which went in 1922 to make up the tax rate of the territory within the city of Chicago, covered by the town of West Chicago and the West Park Board.

State	\$0 45
Cook County.. . . .	0 73
Forest Preserve District	0 10
City of Chicago	2 80
Board of Education	2.77
Sanitary District of Chicago	0 40
West Park Board.....	0 76
Total	<u>\$8 01</u>

The constitution imposes a limitation of 75 cents on each \$100 valuation upon county taxes, unless a larger amount is authorized by vote of the people. Limitations are imposed by state laws upon local tax rates for counties, cities, park districts, sanitary districts, and other local governing bodies. During recent years all expenses have increased, and certain local governing bodies such as cities have lost revenue through the policy of prohibition. A need has thus developed for larger local revenues than could be obtained by the tax rates previously authorized by law, and in most cases increases in local tax rates have been granted by state legislative action.

Limitations upon
tax rates

In 1919 and in 1921, the General Assembly of Illinois had a large part of its time taken by the task of passing upon requests for increases in local tax rates. Unfortunately, the General Assembly in acting upon such requests for increased rates has had no adequate information for its guidance. However, for the larger governing bodies within Cook County, information was collected by private organizations and made available. The state has made no provision for obtaining information as to how the various local governing bodies of the state spend the money which they are authorized to raise by taxation. If the General Assembly of the state is to continue to fix tax rates for local governing bodies throughout the state, it should make provision for the systematic collection of information as to how much money is obtained from the increased tax rate authorized, and also as to how this money is expended. With such information before it, the General Assembly would be in a position to act intelligently upon increases in tax rates requested by local governing bodies.

General
Assembly lacks
adequate
information

State tax rate

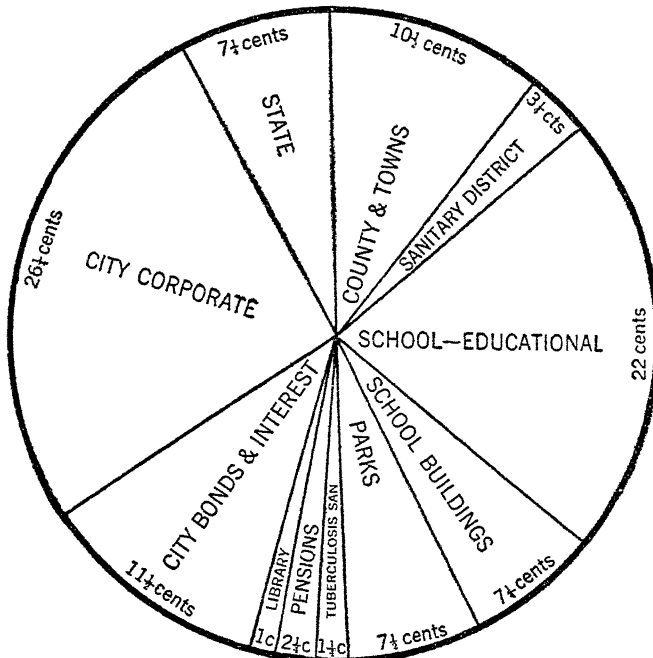
The General Assembly determines how much money is to be appropriated to meet the expenses of the state for the succeeding two-year period. Then toward the end of the session, it estimates what the total appropriations are to be, and what the state revenues are likely to be from sources other than the general property tax. With this information before it, the General Assembly passes a State Tax Levy Law. This law provides that certain definite amounts shall be raised by taxation for each of the succeeding two years; and authorizes the governor, auditor of public accounts, and state treasurer, as a state tax levy board, to compute the rates required to produce not less than the amounts to be raised, and to certify such rates to the county clerks of each county for levy and collection. The state, unlike an individual, thus determines first how much it shall spend and then provides for the raising of this amount. Although the state levy law proceeds on the assumption that the task of the state tax levy board is a purely mechanical or clerical one, this board actually exercises a great deal of discretion as to whether a high or a low state rate is necessary, in view of the condition of the state treasury, and of the receipts from other sources. The lowering of the state tax rate just before an election with a view to political results has not been unknown.

Distribution of
general property
tax

The general property tax as it operates upon the citizen within any part of the state is made up only in small part from the state tax rate. When the taxpayer pays his general property tax, he is contributing to state, county, city, and various other purposes, according to the number of governmental bodies having authority over him. Chart XXVII, prepared by the comptroller of the

city of Chicago, indicates the distribution of each dollar of taxes collectible within the limits of the city of Chicago in the year of 1920.

CHART XXVII



Distribution of one dollar of taxes collectible within the city of Chicago in 1920.

The state does not derive all of its revenue from the general property tax. There has in recent years been a steady tendency toward the increase of other revenues. In 1917, legislation was enacted increasing the license fee for motor vehicles, and this source of income has been

Other sources of state income

set aside to meet the cost of an elaborate system of road construction, and to defray the interest and principal of the \$60,000,000 bond issue for good roads authorized by popular vote in 1918. In 1919, increased corporation and insurance taxes were imposed. In 1921, the inheritance-tax rates were increased, and a much greater income will in the future come to the state from this source. When the Illinois Central Railroad Company was chartered by the state in 1851, a large amount of land which had been received from the United States government for railroad purposes was granted to the railroad, and the state also gave it certain land belonging to the state. In return for these grants, the railroad was required to pay a certain proportion of its annual gross income to the state, this equaling 7 per cent of the annual income of the main line of the road within the state. A large payment is received from the Illinois Central Railroad in compliance with the conditions of this charter.

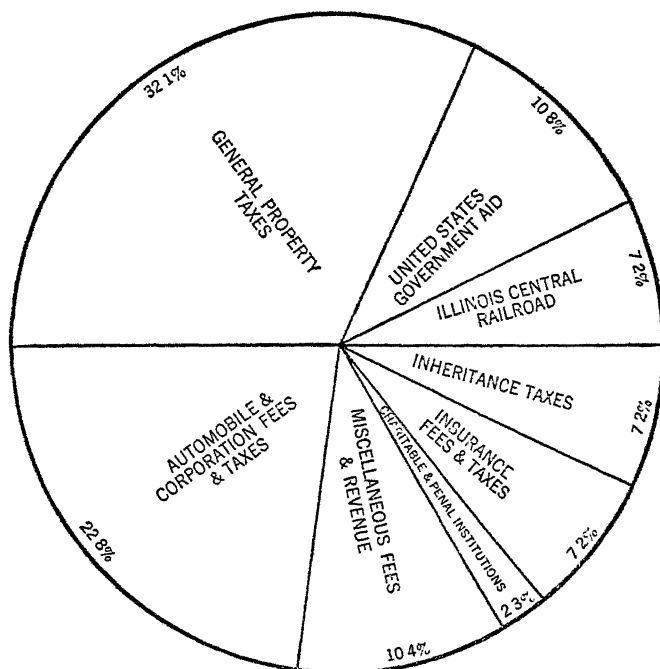
Chart XXVIII indicates the chief sources of state revenue during the fiscal year which ended June 30, 1920

Other sources of
local income

During the year 1920, the city of Chicago had a number of sources of income in addition to the general property tax. The largest single source of general income other than the general property tax is that of special assessments. Special assessments should perhaps not be termed a source of income, although they do constitute a means by which the city is able to pay certain governmental expenses. The constitution permits the General Assembly to vest cities, towns, and villages with power to make local improvements by special assessments. If the city desires to pave or widen a street, it may assess upon the property benefited a share of the expense equal

to the benefit which that property has received. By special assessments, cities are able to make the specific property that is benefited bear a portion of the expense

CHART XXVIII



Distribution of revenue for the fiscal year ended June 30, 1921, state of Illinois.

of the improvement. Drainage and park districts may also levy special assessments. Boards of local improvements are created for the detailed work connected with special assessments of cities.

Water

The city of Chicago in 1920 received an income of \$8,594,218.58 from the operation of its system of water works. The income so received was in direct payment for the special services rendered by the city in furnishing water, and naturally went almost entirely to pay the expenses of operating the water-supply system of the city.

Licenses

The city, in the year 1919, received more than \$2,000,000 from saloon licenses, but that source of revenue has now disappeared. In 1920, the amount received from 125 different kinds of licenses aggregated more than \$2,000,000. More than one and one-third million dollars was received from vehicle taxes. By no means have all of the sources of income other than the general property tax in the city of Chicago been mentioned here. Other cities have the same or similar sources of income. Every student of government should take steps to find out all of the important means by which his city obtains money with which to pay its expenses.

Deposit of public
money

An individual or a corporation, having more money than can be used for immediate needs, deposits the surplus in a bank, and obtains at certain intervals interest upon the balance on deposit. The problem of any government is substantially the same. At certain times of the year when taxes are coming in, most of our governments will have more money than they need for immediate purposes. Sometimes large surpluses will remain in public treasuries over a series of years. Legislation has been enacted, applicable to Cook County and to the state of Illinois, requiring public money under these circumstances to be deposited, under certain safeguards, in the banks which will give the highest rates of interest. A similar plan exists for the city of Chicago. The prob-

lem here is merely one of good business, with respect not only to the safeguarding of public money, but also with respect to the procuring of interest upon such money in the same manner as if the money belonged to an individual or corporation.

GOVERNMENTAL EXPENDITURES

The expenses of government are affected just as are those of a private individual, by the increased number of things that government does, and by fluctuations in prices of the supplies that government must use. In the year ending June 30, 1919, the state had, on an average, nearly 26,000 persons in its charitable and penal institutions, and its expenses during the war increased in much the same manner as those of a private family. In connection with the operation of a large number of institutions, the construction of roads, and other activities, the state must buy a large number of supplies, and has established a division of purchases and supplies for this purpose in the Department of Public Works and Buildings. During the war, similar problems of increased cost presented themselves to all of the local governments as well. One of the large elements of increase has been the increased pay of employees made necessary by the increased cost of living. Through its charitable and penal institutions, and through the farms operated in connection with such institutions, the state manufactures some articles and raises some of the products, which it needs to use, but the great mass of its supplies must be purchased in the market

Nature of
Expense

Chart XXIX gives a general indication of the purposes for which the state spends its money. This chart is based on the appropriations made for the expenses of

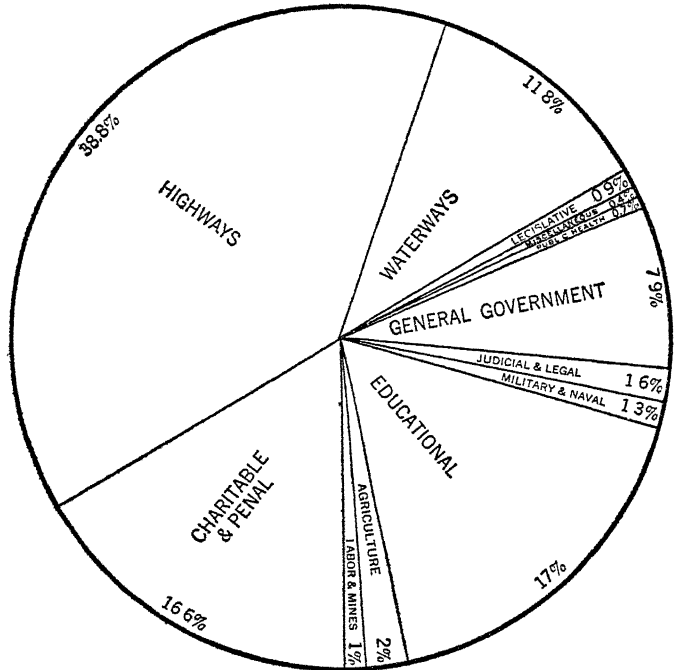
Things for which
state spends
money

state government for the two-year period which began July 1, 1921.

Picture of state activities

The item "General Government" in Chart XXIX embraces the cost of operating the organization for the

CHART XXIX



Distribution of appropriations, 1921-23, state of Illinois

conduct of state government, including its nine departments and its elective officers. The estimates prepared in the form of a state budget by the director of finance and the appropriations actually made by the General

Assembly each two years constitute a picture in terms of money of what the state does. While such figures do not necessarily indicate the relative importance of the various things done by the state government, they do give an interesting picture of what the state does in terms of the cost of each service.

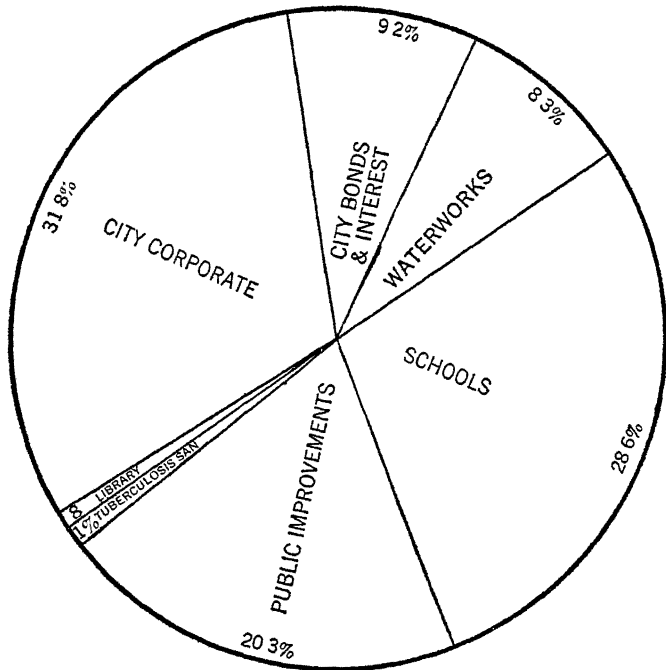
By the terms of the Civil Administrative Code of 1917, the director of finance is required to prepare and submit to the governor each two years a proposed state budget indicating (with such explanations as he thinks desirable) just what in his opinion should be expended for each service and activity of the state government. With this material before him, the governor presents to the General Assembly, not later than four weeks after its organization, a state budget. This budget embraces the amounts recommended

to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation

With this proposed budget before it, the General Assembly decides what appropriations shall be made, and embodies the appropriations into laws. In the actual work of determining what appropriations shall be made, the committees on appropriations of the two houses do the greater part of the work, and each of these committees is composed of a large number of members, so that the participation in the work of appropriations may be general. The Department of Finance is given authority by law to require reports at regular intervals from the departments of the state government as to the expendi-

tures made from appropriations granted to the several departments and offices by the General Assembly. One of the purposes of this department is to prevent departments or offices from spending their money more

CHART XXX



Distribution of expenditures, city of Chicago, for the year 1920

rapidly than should be done, and so exhausting their fund that they must receive additional appropriation from the General Assembly to meet all of the expenses for which the original appropriations were made.

Chart XXX indicates the chief purposes for which the city of Chicago spends its income. Similar diagrams may easily be made for the governments over each of us. The state laws provide somewhat in detail the manner in which city councils and county boards shall appropriate money. Local expenses

PUBLIC DEBTS

The constitution of Illinois forbids the contracting of a state debt in excess of \$250,000 unless the law authorizing the debt is submitted to and approved by the voters of the state. By this plan, the people of Illinois in 1918 authorized the issuance of \$60,000,000 in bonds, the proceeds of which are being used for the construction of a general system of hard roads. The constitution of the state originally forbade the General Assembly's lending the credit of the state or making appropriations from the treasury of the state in aid of railroads or canals. In 1908, a constitutional amendment was adopted authorizing the issue of \$20,000,000 in bonds, the proceeds of which were to be used in the construction of a deep waterway. In 1922, the voters of the state authorized a bond issue of \$55,000,000, for the purpose of carrying out a state system of bonuses to those who served in the world-war. By these actions, the people of the state of Illinois have authorized the state to contract a debt of \$135,000,000. Since the disastrous experience of the state government in the construction of internal improvements before 1848, constitutional provisions had, until these recent authorizations of bond issues, substantially prevented the state from incurring indebtedness. The state has, aside from the bonds authorized in 1908, 1918, and 1922, a bonded indebtedness of only a few thousand State debt

dollars. The Illinois and Michigan Canal, which was constructed before 1848, proved a financial success for a while, and was largely responsible for the early commercial prosperity of the territory through which it runs. The canal was still a paying investment in 1870, and the framers of the constitution of 1870 provided that "surplus earnings of any canal may be appropriated for its enlargement or extension" The state was permitted therefore to spend surplus revenue but was forbidden to spend other money for canals. It was therefore necessary to change the constitution when the state desired to enter upon the construction of another waterway.

Municipal debts

The constitution of the state forbids municipal corporations from becoming indebted "in the aggregate exceeding five per centum of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness." It also requires that any municipal corporation incurring indebtedness shall before or at the time of doing so "provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due and also to pay or discharge the principal thereof within twenty years from the time of contracting the same." Over almost all parts of the state there are overlapping municipal corporations. For example, over the southern portion of the city of Chicago there are the county, the Sanitary District, the city, and the South Park District, upon each of which borrowing power up to 5 per cent may be conferred. Although they cover in part the same territory, each is a separate municipal corporation with a separate borrowing power. In fact, the Sanitary District of Chicago was created for the very

purpose of obtaining additional borrowing power, in order to carry out the expensive plan for a drainage canal. Although every municipal corporation may be granted power to borrow to the extent of 5 per cent of the taxable property within its limits, further limitation may be imposed by the General Assembly. Such limitation has been imposed upon the Sanitary District of Chicago. It is authorized by law to borrow money and issue bonds only to the extent of 3 per cent of its taxable property.

It is dangerous for a government, just as it is for an individual, to borrow money to meet current expenses. This the city of Chicago and some other municipal corporations of the state have been doing in recent years. Money should be borrowed by a governmental body only for the making of improvements or the doing of things that are relatively permanent in character. If bonds are issued to pay for improvements made by a governmental body, such bonds should be retired during the life of the improvements for which they are to pay. No people should have authority to enjoy themselves at the present day, and make the people of the future pay the cost. On the other hand, it is equally true that if important improvements are to last twenty years, and are to be of use to the people over a twenty-year period, the government should not impose heavy burdens for a few years upon present taxpayers.

When government may safely borrow

STUDY QUESTIONS

1. What is the average assessed value in your town (or county if you are not under the township system) of automobiles, horses, pianos, watches?
2. What is the average assessed value of each acre of agricultural land in your town or county?

3. Find out how your township assessor makes assessments of real property. To what extent are his results changed by the county board of review? What, if any, changes in your county assessments have been made recently by the state tax commission?
4. Get copies of the personal-property return schedule, and make out a sample personal-property return.
5. Get the latest report of the state tax commission, addressing the commission at Springfield, and study the work of the tax commission in equalizing property among the counties, and in making assessments of railroad property and of capital stock of corporations.
6. *Constitutional Convention Bulletin No. 4 on State and Local Finance*, issued by the Legislative Reference Bureau, presents a full statement regarding the matters dealt with in this chapter, and may well be made the basis of reports upon the subjects of taxation, appropriations, and public debts.
7. The state of Illinois prepares and publishes each two years a state budget outlining in detail the appropriations which the governor recommends to the General Assembly. A copy of this publication should be obtained from the director of finance, Springfield, Illinois, and made the basis of study.
8. Analyze and diagram the chief sources of government income in each governmental area, and the larger items of government expense. The biennial report of the auditor of public accounts, Springfield, Illinois, will give you financial information as to the state government, and a great deal of the detail as to tax collections throughout the state. For Chicago and Cook County the comptroller of the city of Chicago and the county comptroller issue rather full financial statements each year. For larger communities, outside of Cook County and Chicago, similar statements will oftentimes be found. If statements are not available in print as to these matters, individual reports may be prepared upon the basis of personal investigations.
9. Find out what use is made of special assessments in your community, and the manner in which such assessments are levied.
10. What are the debts of governmental bodies exercising authority over you, and for what purposes were these debts incurred?

CHAPTER XVI

CIVIC ORGANIZATIONS AND GOVERNMENT

NEED FOR CIVIC ORGANIZATIONS

The citizen's chief duties in the operation of government are to vote, to pay taxes, and to obey the laws. All of us are required to pay taxes; and we may be punished if we violate the laws; but there is no compulsion about voting, and many citizens do not vote. In Switzerland an effort has been made to compel people to vote, but without much success. You may compel a person to go through the form of voting, but you cannot compel him to mark his ballot so that it may be counted, or to vote it in such a manner as to serve the best interests of the state. Compulsion should never be necessary to obtain the performance of the most important function of the citizen.

Responsibility
of the citizen

No one can vote intelligently unless he gives some attention to governmental matters before election day. A simplification of government and of the ballot will make it more easily possible for the citizen to vote intelligently. When new proposals with respect to government are highly important and spectacular in character, they arrest the interest and attention of the citizen. But the proper and efficient conduct of government depends upon what is done by public officers and employees day by day. This is a matter to which the citizen alone cannot devote a great deal of time. When something goes radically wrong, or when conditions become very bad, the

Government
requires daily
attention

voters wake up and turn out an existing administration, oftentimes without sufficient thought of what they are substituting in its place

Reason for civic
organizations

Political parties are primarily interested in the actual results of elections. They do not as organizations devote attention to the efficient operation of government, after an election is won. With so large and so complicated a piece of machinery as that of government, it is therefore desirable that groups of citizens organize themselves, outside of government and outside of political parties, for the purpose of giving day-by-day attention to the manner in which government does its work and to the new problems of government as they arise.

Types of organi-
zations

Many state and local organizations exist in Illinois for the express purpose of dealing in an unofficial way with governmental problems. A large number of organizations are not created for this purpose, but find that their interests make it necessary to take some share in governmental affairs. Both of these types of organizations may be termed civic organizations. Some of them devote their energies to the broad problem of obtaining better government generally or as to specific matters, while others act quite frankly in the interest of their own group or profession. In the discussion of the lobby, we have seen that to a large extent legislation is a matter of compromise. Important laws enacted by the General Assembly are often the direct result of influences brought to bear by these various, organized groups of citizens.

Organizations
interested pri-
marily in govern-
mental questions

Among state organizations of a broad civic character are the Federation of Women's Clubs, the Illinois League of Women Voters, and the Legislative Voters' League. All of these take an active interest in governmental

matters, and frequently concentrate their activities upon specific problems. The Legislative Voters' League exists primarily for the purpose of watching the actions of the General Assembly. It reports upon the records of members, and of candidates for election to the General Assembly. The Illinois Municipal League takes an active interest in legislative and other governmental matters. It represents the governing bodies of cities of the state. The State Civil Service Reform Association and a local Civil Service Association for Chicago devote their attention to the definite field of governmental policy indicated by their titles. The Anti-Saloon League has for a number of years been perhaps the most powerful organization dealing with a single question of legislative and administrative policy.

Many civic organizations were organized primarily for other purposes than that of co-operating with governmental bodies or influencing legislation. They do bring such influences as they may have to bear upon government when governmental matters affect their own interest, or when they affect interests so general that such groups think it desirable to take a hand. Examples of such organizations are the Illinois State Teachers' Association and the Illinois Agricultural Association. These organizations are active during legislative sessions, and also in connection with the operation of those departments of government which particularly concern their interests. These statements apply also to such bodies as the Illinois Manufacturers Association, the Illinois State Chamber of Commerce, the Illinois State Federation of Labor, and the Real Estate Association of Illinois. Every important industry has its state association. Groups

Other civic
organizations

of industries are organized into such bodies as the Illinois State Chamber of Commerce and the Illinois Manufacturers Association. The State Chamber of Commerce is an organization whose members are composed of local chambers of commerce throughout the state. Trade unions have their local branches, whose activities are united through the Illinois State Federation of Labor.

Civic organiza-
tions in Chicago

In Chicago there are a number of organizations, such as the Chicago Woman's Club, the Citizens Association of Chicago, the City Club, the Civic Federation of Chicago, the Union League Club, and the Woman's City Club. Each of these organizations devotes itself to civic interests, and some of them are more specialized in their activities than others. There are numerous other organizations devoting themselves either to the whole city or to particular sections. The Municipal Voters League of Chicago devotes itself almost entirely to the qualifications, election, and organization of the City Council of Chicago. The Chicago Bureau of Public Efficiency concerns itself with the governmental problems in Cook County and the city of Chicago, and particularly to the investigation and preparation of reports upon such problems. Valuable reports prepared by this bureau are referred to in several chapters of this book. In view of the fact that taxes and other matters affecting Cook County and Chicago are to such a large extent settled in Springfield, this bureau has become more and more active in state governmental affairs. The Chicago Association of Commerce and the Chicago and Cook County Real Estate Boards exert an important influence in civic matters.

HOW CIVIC ORGANIZATIONS INFLUENCE GOVERNMENT

Many of the bodies here mentioned and others in addition will be found appearing before committees of the General Assembly and before city councils, in order to obtain action which they desire, or to prevent action which they oppose. In practically every community of the state there are local chambers of commerce or other organizations that take or should take an active interest in the conduct of government, not only in their communities but in the state at large. A number of national organizations, such as the Rotary clubs and the Kiwanis clubs, have organizations in the communities of the state, and should be expected to co-operate with the work of government. The same statement is true also of the local women's clubs, which are united into a state federation in order to be more effective, and of the local branches of the Illinois League of Women Voters

Activities of
civic organiza-
tions

With the great number of organizations which seek in one way or another to bring their influence to bear upon matters of legislation and upon the conduct of government, it is often difficult for an officer of government to know what are the combined views of the people of the state, or of any one community. In most cases, there is no single view representing the sentiments of the people. Good results in the conduct of government are often obtained through the presentation of contradictory views. In any case, it is best to hear all sides of the question before taking action.

Legislation a
composite of
influences

Each organization has or should have an influence for the betterment of governmental conditions in its community and in the state. An active association of commerce or woman's club in the community has often

Their importance
in government

accomplished much to stimulate governmental efficiency in the conduct of the public's business. But, on the whole, the public's business is too much disregarded, and there is need for much further activity. The old adage, "What's everybody's business is nobody's business," applies in the main.

Need for a
clearing-house of
information

Numerous civic bodies gather information and seek to bring influence to bear upon government, some with respect to their own specific interests, others with respect to interests more distinctly public in character. It is quite natural that, when any organization is seeking to accomplish a result, it will not be altogether impartial. There is no one place to which the citizen may go for accurate and impartial information upon governmental matters, and the governments over each citizen are so numerous that he cannot inform himself adequately without aid. There is great need in this state for some central clearing-house of information regarding governmental matters. This clearing-house should be organized in such a way that the citizen can know where to get information, and that it is impartial. So long as government is as complex as it now is, the citizen must have aid through civic bodies or other organizations, in order that he may vote intelligently and may aid in bettering governmental organization and work.

Group influences

Society is made up of individuals with numerous and diverse interests. An individual acting alone cannot make his influence felt, nor do human beings normally act alone. It is natural that we find society organized into numerous groups—social, industrial, religious. Inasmuch as government is the chief organized body to put into effect policies affecting society as a whole, each of

these lesser groups at one time or another seeks to influence the conduct of government. In some cases, such groups will wish policies adopted which favor their own ends, but which are not in the interest of the state as a whole. This is also natural, but if all groups take an active share in the solution of governmental problems, selfish interests largely counteract each other, and the final result is beneficial. The citizen may oftentimes exercise as important and as desirable an influence on government through such organizations as through his membership in a political party and his vote in elections.

Government at times appears to be dominated by group interests rather than by any one dominant public interest. But though each group seeks to further certain interests, in most other matters its interests are identical with those of others in the community. In government there are more common interests than special ones. Some writers have urged that legislative bodies should be frankly made up of representatives of various trades, professions, and occupations. Such a plan would abandon our present system of representing the population of senatorial and other districts as a whole, and would give controlling weight to the special interests of groups rather than to the more numerous common interests of the whole population.

Limits of group
influence

Although it would be improper to organize government merely as a representative of social, economic, and professional groups, yet such groups have an important share in the conduct of government. Much of the work undertaken by the state and its local areas in Illinois is necessarily technical in character. Governmental policy in health administration is, and should be, largely deter-

Share of groups
in government

mined by the medical profession and other organized social groups interested in sanitation. The Illinois State Teachers' Association has, and should continue to have, a large influence in the school policy of the state. Legislation for safety in mines is in reality determined upon by agreement between mine workers and mine operators; and this has been officially recognized for some years by the official creation of a mining investigation commission composed of three coal-mine owners, three coal miners, and three disinterested persons. Changes in the mining law agreed upon by this commission are usually passed as a matter of course by the General Assembly. A less formal, but somewhat similar, arrangement has for some time existed between employers and labor organizations with respect to changes in the Workmen's Compensation Law. Though the state has the details of its activities largely determined by separate groups, it undertakes such activities because of their value to its population as a whole. And abuse of group influence is largely prevented by the fact that there are competing groups in each field, and by the further fact that the final determination of policy lies in the hands of a body representing the whole population.

STUDY QUESTIONS

1. What commercial organizations are there in your community, and what interest do they take in governmental questions?
2. What does your local woman's club or branch of the Illinois League of Women Voters do with reference to governmental matters?
3. What other organized groups take a share in government?
4. What groups in your city influence the provisions of your building ordinance?

CHAPTER XVII

ILLINOIS AND THE NATION

RELATION OF THE STATE TO THE NATION

We have in this country a federal system of government. Certain large powers are by the national Constitution conferred upon the government of the United States, and other powers are reserved to the states. The states are the units which go to make up the organization of the national government.

The federal system

The national government and the state government of Illinois exercise authority over the same territory. The authority of the national government is supreme so far as powers have been granted to that government. Within its own limits, each state has large powers, and the state of Illinois has most of the powers which relate to matters concerning the daily life of her citizens. All states, irrespective of size or population, have equal authority within their own borders, although the influence of the states in the government of the nation necessarily varies with size and population.

State and nation

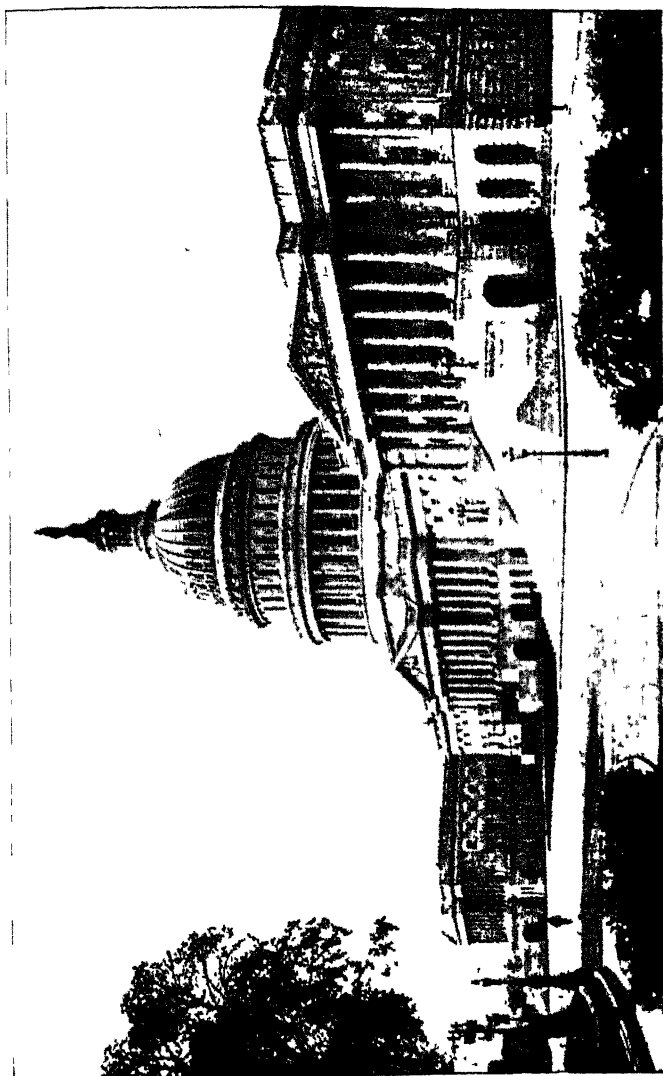
With two governments operating over the same territory, conflicts may arise, and some body must exist for the settlement of such conflicts. The Supreme Court of the United States is the body which finally interprets the national Constitution, and draws the line between the powers of state and nation. Neither government is permitted to cripple or interfere with the other in the exercise of its powers. For this reason,

Methods of settling conflicts

the United States Supreme Court has ruled that neither government may tax the officers or agencies of the other.

State and
national govern-
ments compared

In their general structure, the governments of the United States and of Illinois are similar. Each has three departments of government—the legislative, the executive, and the judicial. The national legislative power is vested in Congress, which, like the Illinois General Assembly, is composed of two houses. The most essential difference in judicial organization between the two governments is that judges of the federal courts are appointed by the president to serve during good behavior while state judges in Illinois are elected by popular vote to serve for fixed terms. The executive departments are dissimilar. In the federal executive department, only the president and vice-president are elected. The president appoints as his cabinet ten persons, who serve as the heads of the ten great executive departments: State, Treasury, War, Justice, Post Office, Navy, Interior, Agriculture, Commerce, Labor. Through the heads of these departments and other officers whom he appoints, the president is much more the head of the executive department than is the governor. The voters of Illinois elect not only a governor and lieutenant-governor, but also a secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general. These elected officers have a large share of the power of the state executive department, though the governor is by far the most important state executive officer. Through its Civil Administrative Code, Illinois has given its governor an appointed cabinet of nine members.



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THE NATIONAL CAPITOL, WASHINGTON, D C

SHARE OF ILLINOIS IN THE GOVERNMENT OF
THE NATION

When this government was formed, a sharp conflict of interests arose between the small states and the large states. The smaller states contended for complete equality among the states in the organization of the national government, and the larger states contended for influence in proportion to population. A compromise was reached by which the states are equally represented in the United States Senate, irrespective of population; and states are represented in the House of Representatives of the United States in proportion to population.

Representation
in United States
Congress

Until 1913, the two United States senators from Illinois and from the other states were each elected at six-year intervals by the two houses of the General Assembly. The Seventeenth Amendment to the Constitution of the United States, adopted in 1913, provides that members of the United States Senate from each state shall be elected directly by the people of that state. The terms of senators are so adjusted that one-third of the members retire each two years. In order that Illinois may fit into this adjustment, this state will next elect one senator in 1925 and the other in 1927. The Seventeenth Amendment provides that vacancies in the Senate shall be filled by election, but that the legislature of any state may empower the state executive to make temporary appointments until the people fill the vacancy by election.

Election of
United States
senators

Representation in the national House of Representatives is based upon population, and representatives are elected directly by the people for two-year terms. Each ten years, after the decennial federal census, the

Election of mem-
bers of House of
Representatives

Congress of the United States determines how many members will constitute the House of Representatives. This number is then divided into the total population of the forty-eight states from which the representatives are to be chosen. In this manner a ratio of representation is obtained. Each state is entitled to as many representatives as this ratio is contained in its population, although each state, no matter how small its population, is entitled to at least one representative. There will, of course, be large fractions of population remaining after the division of the representative ratio into the population of each of the states. The states having the largest remainders receive additional representatives, so long as the number agreed upon is not exceeded. Illinois was allotted twenty-seven representatives by the apportionment of 1911.

Apportionment
for members of
federal House

After the United States Congress has determined the number of representatives to which each state is entitled, the General Assembly of Illinois is required by federal law to divide the territory of the state into as many districts as there are representatives to be elected, each district electing one representative. Each of these districts is required to be composed of compact and contiguous territory, with a population as nearly equalling that of each other district. Although the state of Illinois received two additional representatives by the federal apportionment of 1911, no state law has been passed since 1901 for the redivision of the state into districts, and these two additional representatives have been elected from the state at large. Since 1901 the state has been divided into the present number of twenty-five congressional districts. Representation from

Illinois in the national House of Representatives has steadily increased

For the election of the president of the United States, the framers of the national Constitution provided for a so-called "electoral college." Each state chooses a number of presidential electors equal to the number of its members in the national House of Representatives, plus its two senators. Illinois and the other states now provide for the popular choice of these electors by the voters of the state at large. The original notion was that these electors should actually exercise a choice as to who shall be president. However, almost since the beginning of our government, candidates for the presidency and vice-presidency have been nominated by the great political parties of the country in advance of the choice of electors. These great political parties also nominate within each state their candidates for presidential electors. The candidates of any party for electors are definitely pledged in advance to vote for the candidates nominated by that party for president and vice-president. There is practically no possibility that the electors who are chosen will vote for anyone other than the candidates for president and vice-president who have been nominated by their own party.

Due to the plan of an electoral college, a president and vice-president are not actually elected until the votes of the electors themselves have been cast in accordance with the Constitution and laws of the United States. However, everybody knows who will be president and vice-president immediately after the November election, when the presidential electors are chosen. We have just as clearly a direct election of the president of

The electoral college

Election of president and vice-president

the United States in the November election as if we did not use presidential electors. This statement must be qualified in one respect. If the president and vice-president of the United States were popularly elected by vote of all of the people of the country, the result would oftentimes be different from that at the present time. The president and vice-president are now chosen by a majority of the presidential electors, and the electors are chosen by the majority or plurality vote of the people in the forty-eight separate states. A majority of the presidential electors may be elected by one party, although that party may actually not have either a majority or a plurality of the votes of the whole country. In several cases a candidate for the presidency of the United States has been elected, although an opposing candidate had a larger popular vote throughout the country as a whole.

Nominating
presidential
candidates

In view of the manner in which we actually choose the president and vice-president of the United States, the machinery by which the great parties nominate their candidates for the presidency and vice-presidency becomes really the most important matter in the election of these officers. The voter in the November election of presidential years ordinarily has no power except that of choosing between the candidates of the two chief parties. Occasionally it happens, as in 1912, that there are three parties contending with one another, each of whose candidates has a real possibility of being elected.

Presidential
preference
primaries

Illinois and a number of other states have provided for so-called "presidential preference primaries." At these primaries, the voters of the several parties may vote their preference as to the candidates to be nominated

for president of the United States by the national conventions of their parties. This plan has not proved satisfactory, because many states are likely to indorse so-called "Favorite Sons," who have no possible chance of nomination. When the results of the primaries in the different states are assembled, they really do not indicate to any great extent the actual sentiment of the voters of a large part of the country as to who shall be nominated by their parties. Now and then a real issue may present itself to the whole country between two opposing candidates within the same party, and under such conditions a presidential preference primary in the various states may actually be decisive as to the party nomination.

The great political parties nominate candidates in national nominating conventions, which usually meet in June or July preceding the November election for the choice of presidential electors. These conventions are made up of delegates chosen either by primary elections or by party conventions in the states. In Illinois, the delegates are chosen in party primaries. In the Democratic convention, each state is represented by a number of delegates equal to twice the number of the state's combined representation in the Senate and House of Representatives of the United States. In the national Republican convention, the representation of the states in the two houses of Congress is taken as a basis, but reductions are made in the number of delegates from states having small Republican votes. The national nominating conventions of the great parties really determine who shall be president and vice-president of the United States, for the parties also nominate their candi-

National
nominating
conventions

dates for electors in each state. In voting for these electors, one is voting for the presidential candidate nominated by his party convention.

Election if no
one has majority
of electors

If no candidate for the presidency obtains the votes of a majority of the presidential electors, then the House of Representatives chooses a president from among the three having the highest votes. In choosing the president, each state has but one vote in the House of Representatives, and a majority of the states is necessary to a choice. If no candidate for the vice-presidency obtains the votes of a majority of the presidential electors, the United States Senate chooses from among the two highest candidates.

Amending the
United States
Constitution

Two methods are provided for amending the Constitution of the United States, and in both of these methods the states have the decisive influence. An amendment to the Constitution of the United States may be proposed by two-thirds of the members of both houses of Congress. The proposed amendment goes into effect when ratified by the legislatures of three-fourths of the states, or by conventions in three-fourths of the states, as Congress shall determine. By the second method, Congress is required by the Constitution to call a convention for proposing amendments, on the application of the legislatures of two-thirds of the several states. No convention has ever been called, and Congress has always provided for the ratification of federal amendments by state legislatures rather than by conventions called for this purpose. The machinery of importance in connection with the amendment of the national Constitution, and that used in the adoption of all of the nineteen amendments to that Constitution, is

therefore (1) proposal by two-thirds of both houses of Congress and (2) ratification by the legislatures of three-fourths of the states.

In the machinery for amending the federal Constitution, there is a definite control by the states as such. Thirteen of the smaller states of the country may defeat an amendment to the Constitution by failing to ratify such an amendment. In this manner, a small group of states as units, independently of their size or population, may exercise a decisive influence in preventing changes in the national form of government or in the powers of the national government. Not only this, but in order to be proposed to the states, a constitutional amendment must receive two-thirds of the votes in each house of Congress. If the sentiment of more than one-third of the senators is against a proposed amendment, this amendment cannot be submitted. It is also of importance to bear in mind that two-thirds of the members of the House of Representatives (representing substantially two-thirds of the population of the country) must also agree in order to submit an amendment to the states, and that three-fourths of the states must ratify it. Thus, no amendment to the national Constitution can be made without the agreement of much the greater part of the population of the country. In this manner, the states as governing bodies and the population of the country are united in the amending process. Both must agree in order to bring about constitutional change.

Factors controlling amendment

FEDERAL AGENCIES IN ILLINOIS

For the administration of its laws throughout the Courts whole country, the United States has set up judicial and

administrative systems which reach all parts of the country. Within the state of Illinois, the United States has set up a system of federal courts. When a citizen of one state desires to sue the citizen of another state, he may do this in the federal courts rather than in the state courts, if he desires.

Circuit Court of
Appeals

The state of Illinois is in the Seventh Judicial Circuit of the United States, which includes also the states of Indiana and Wisconsin. In each circuit there is a Circuit Court of Appeals in which three judges sit. Two of them may act, and in making up this court United States district judges may also be called in. One of the justices of the United States Supreme Court is assigned to, and occasionally sits in, the Circuit Court of Appeals. The members of the United States Supreme Court are usually too busy with their work at Washington to exercise judicial functions elsewhere.

District courts

The territory of the United States is divided into districts of which there are three in the state of Illinois. Within each district a United States District Court is held. Both the northern and the southern districts are divided into two divisions. For the northern district there are two United States district judges and for each of the others there is one such judge, though by legislation of 1922 additional judges have been provided for the northern and eastern districts. In each of the districts there is a United States district attorney and a United States marshal. These two officers act under the direct supervision of the attorney-general in Washington.

United States
Supreme Court

The highest federal court is the United States Supreme Court at Washington, composed of nine mem-

bers. The Circuit Court of Appeals has been given final jurisdiction in the decision of many types of cases, but important cases may be taken to the United States Supreme Court for final decision. Reference has already been made to the fact that decisions of the Illinois Supreme Court involving the federal Constitution or laws may be reviewed by the United States Supreme Court. The United States Supreme Court finally decides conflicts between state and national authority, and determines the powers and authority of the national government.

The national government has organized an administrative system with which all of us come into contact at frequent intervals. The postal system performs an indispensable service for all of the people. The United States has within the state of Illinois internal revenue officers for the collection of the income tax and of other taxes levied by the national government. It has a separate service for the collection of taxes imposed by the national government upon articles imported into this country from foreign countries. Since the adoption of the Eighteenth Amendment, the United States government has legislated for the enforcement of national prohibition, and has provided for prohibition enforcement officers in Illinois and all other parts of the country. The national government also has established certain United States Army and Navy posts in the state of Illinois.

Postal, tax and
other services

In view of the fact that Chicago is the chief center in the country for the shipment of meat into other states and to foreign countries, the national government has provided an elaborate organization for meat inspection

Meat inspection

at the Chicago stockyards. It has done the same for the other large stockyards of the state, and in other states as well. The foregoing statements do not seek to review in any complete manner all the things done by the national government within the borders of Illinois. They merely seek to indicate some of the many ways in which that government may come into frequent contact with all of us.

Co-operation
between state
and nation

In view of the close relationship between many of the things done by the two governments over the same territory, it is essential that there be close co-operation between the two. For example, Congress has full authority to regulate, and has to a large extent regulated, commerce among the states and with foreign countries. In the exercise of this power, federal legislation regulates many matters of commerce entirely within the state of Illinois. So far as such regulation of matters of commerce entirely within the state is necessary or incident to the regulation of commerce among the states or with foreign countries, Congress has full authority. Congress has enacted laws regarding safety appliances on trains. Trains may be made up of cars used entirely within the state, as well as of cars used in the carrying of articles between this and other states. Inasmuch as it has a power to regulate for the safety of commerce carried between this and other states, Congress also has authority to make requirements as to safety devices on cars used entirely in commerce within this state. This is necessary because these cars may be used in trains engaged in commerce with other states, or may run upon the same tracks as trains engaged in commerce with other states. The safeguarding of interstate commerce makes it proper

to regulate, to a certain extent, a number of matters of purely local concern.

There is a large amount of purely domestic commerce controlled by the state itself. Take, for example, the matter of meat inspection. The national government has a complete organization for the inspection of meat that is shipped from one state to another, or from this country to foreign countries. The state government of Illinois has an organization for the inspection of meat slaughtered in this state and to be used by the people of this state. The two organizations must necessarily work closely together. The meat-inspection service under the control of the national government will, to a large extent, protect the quality of meat to be slaughtered and used within the state. The impossibility of knowing in advance just what meat is to be used locally and just what is to be used in other states or in foreign countries makes this control necessary.

Domestic commerce

Another illustration of this co-operation between the national and state governments may be given. The state has legislation regarding the control of plant diseases and of plant pests within the state. The United States has similar legislation applicable to interstate and foreign commerce. Where the state provides certain inspection in order to prevent the introduction and spreading of plant diseases and obtains the approval of the secretary of agriculture of the United States, certain inspections may be made by state officers and accepted by the national government. These examples as to meat inspection and plant diseases are merely illustrations of the manner in which the national and state governments are in close, daily co-operation in the conduct of their activities.

Co-operation in controlling plant diseases

National Guard The Constitution of the United States provides that Congress shall have power

to provide for the organizing, arming and disciplining of the militia and for governing such parts of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress

The Constitution here definitely provides for the co-operation of the national and state governments in the organization of the militia. Congress has gradually assumed a greater and greater authority with respect to the training of the National Guard of each state, and the states have lost correspondingly. In the handling of the National Guard of each state, the United States government proceeds, however, chiefly through the state organization. Illinois has an adjutant-general appointed by the governor, through whom the state militia is managed. The adjutant-general of the state is an officer of importance in times of peace as well as in times of war. During the period of the recent world-war, the office of the adjutant-general of Illinois was a highly important one, in connection with the drawing into military service the members of the National Guard of the state and also in connection with the organization of all of the military resources of the state for the conduct of war.

Federal subsidies Congress has, to a greater and greater extent, adopted the policy of appropriating federal money for the use of the states. In 1887, Congress provided for the establishment of state agricultural experiment stations, and, in 1906, federal appropriations for this purpose were increased. Annual reports of these experiment stations

are made to the secretary of agriculture. In 1917, Congress enacted legislation for the encouragement of vocational education, and the national government appropriates and apportions money to the states for this purpose. Appropriation of large sums of money to aid the states in the construction of roads was provided by Congress in 1916. The total annual appropriation by Congress to all of the states for this purpose in 1921 was \$25,000,000. The state must submit its plans to the national government, and may receive from the United States an amount not exceeding 50 per cent of the total estimated cost of roads constructed with federal aid. The state or its communities must maintain the roads after they are constructed. There are other cases of what may be termed federal subsidies to the state, the latest being that for maternity and infant welfare, provided by federal legislation of 1921. These federal grants or subsidies to the state involve the necessity of the state's meeting federal requirements before it can obtain the money that has been appropriated.

By this means the national government has, to some extent, enlarged its authority beyond that granted to it by the Constitution of the United States. Congress has power to appropriate money, and it says to the states that they must comply with certain uniform requirements for the country as a whole, if they are to get their share of such federal appropriations. The states, usually willing to obtain the added funds, subject themselves in this manner to increased national authority. In the fiscal year which ended June 30, 1921, Illinois received aid from the federal treasury to the amount of more than \$5,000,000.

Growth of
national power

Dangers of
subsidy plan

The federal subsidy plan is not without its dangers. Its unrestricted development is dangerous not only to state and local governments but to the national treasury as well. Proposals for federal subsidies are difficult to oppose on their merits because each such proposal seeks some immediately desirable results. For this reason it is possible for the advocates of any proposed subsidy to organize in its support state and local pressure, not capable of effective resistance by members of Congress. There are no constitutional restrictions upon the power of Congress to appropriate money in this manner. Hence, the further extension of the subsidy plan is limited only by the power of members of Congress to resist organized political pressure.

Illinois' share in
the nation

The state of Illinois is an important unit in the larger government of the United States, with pride both in its own local achievements and in the achievements of the nation. In national achievements, Illinois has had a great share, both in time of peace and in time of war. At the time of the greatest crisis which this nation has ever faced, Illinois furnished Lincoln and Grant to the Union, as well as a great number of other distinguished leaders, and thousands of loyal sons who fought and gave their lives that this nation might not perish. Her share in the recent world-war under the leadership of a great governor is within the memory of all of us. Illinois has lofty traditions to which her citizens must ever be true.



ABRAHAM LINCOLN

The first photograph as president, by M. B. Brady, Washington
early in 1861

STUDY QUESTIONS

1. Study the method by which Congress in 1921 made an apportionment of representatives among the states.
2. In what congressional district do you live? Who is your representative in Congress? What are the names of the two United States senators from Illinois? When do their terms expire?
3. To what extent and in what manner is the equality of states recognized in the choice of president?
4. Study the procedure employed by each political party in its choice of presidential candidates.
5. Who is the judge of your United States District Court? Who are the United States district attorney and the United States marshal?
6. What federal taxes are collected in your community? How are they collected?
7. How is your local post office operated and what is its relation to the Post Office Department in Washington?
8. Is there a national guard organization in your community? What relations does it have with the state and national governments?
9. Name the ten executive departments of the national government. Who are their cabinet heads? What, if any, points of contact does each of these departments have with you or your community?
10. Get from your member of Congress documents explaining the conditions under which federal aid is granted the states for (a) roads; (b) vocational education, (c) maternity and infant welfare.

CHAPTER XVIII

ILLINOIS FACES THE FUTURE

GOVERNMENT'S SHARE IN THE DEVELOPMENT OF ILLINOIS

Great history of
Illinois

During a period of a little more than a century, Illinois has grown from an insignificant frontier state to be the second state in this country in population and industry, with the fifth largest city in the world within its borders. Illinois now has more than twice the population of the whole United States in 1790. The state has had a great history, and may well look forward to equally as great a development during the next hundred years. The rapid development of the state in population and industry during the past hundred years has been largely the result of rich natural resources, combined with a fortunate geographical position. With these natural advantages, great things have been achieved by a virile and progressive people.

Share of govern-
ment in this
history

The government created by these people has also contributed to this great development, for without an organized and stable government little could have been accomplished. This government has made many direct contributions to the industrial prosperity of its people. The state constructed the Illinois and Michigan Canal. By its grants of land to the Illinois Central Railroad Company, the state was largely responsible for the creation of that great commercial highway. Through the construction of a system of good roads, the state is rapidly

linking together all the communities within its borders, to the permanent benefit of agriculture and commerce. Perhaps in no way has the state contributed more to the welfare of its citizens than through its great system of free schools. Combining practical judgment and high ideals in the utilization of natural resources, the people of Illinois have established this great commonwealth.

With the increased complexity of social and industrial organizations and the consequent increase in the number of things that must be done by a body representing all the people, government itself must in the future have a larger share in the development of the state. In order that government may perform this service, it must be both popular and efficient. With governments resting eight or ten deep over a large part of Illinois, and with relationships of these various governments confused or nonexistent, government can be neither popular nor efficient. This complex organization for governmental work must be improved, or the state cannot expect to achieve the greatest possible success.

Increased share
of government
in affairs of its
people

Our present government is a growth of more than a century. To a large extent, its institutions have come to us from the older states, which in turn borrowed from England. The simplification and bettering of these institutions must be slow, because involving numerous changes in the constitution and the laws of the state. The fact that improvements in government must be slow is no reason for discouragement, but is rather a reason for persistence. The hope for both popular and efficient government lies in simplification. Much has been accomplished within the past few years in this and other states. In fact, Illinois has led the country

Government
must be con-
trolled by people

in the effort to obtain more responsible government, through the enactment in 1917 of the Civil Administrative Code.

Too many
governments

We cannot say that there is "too much government," so long as government is doing things that can best be done for the community as a whole, by the only organization representing all of the people. We can say that at present there are "too many governments"; too great a complexity in these governments; and too little teamwork among them. The detailed work and problems of government can never be made simple, but the means through which the voter controls the policy of government can be simplified. When we have consolidated our present governments, and so organized them that a small group of elective officers are in fact not only responsible to but can be held responsible by the voters, we shall have achieved a long step toward a popular and efficient organization.

Government the
agency of the
people

Government is not something remote. It is the agency of all of us for the performance of certain necessary tasks with respect to our protection, our health, and our education. It is the agency which we pay to support. The citizen should know whom to reward for good government and whom to punish in case government is badly conducted.

GOVERNMENTAL PROBLEMS OF THE FUTURE

Problems of
Illinois

Many problems must be solved by the people of Illinois, if we may look forward hopefully to such a development during the next hundred years as we have had during the past century. Some of the most important of these problems will be briefly discussed.

The general policies of government are directed by popularly elected officers. But appointed and more permanent employees must necessarily do the day-by-day work upon which efficiency depends. One of our chief problems is that of developing some system by which the ablest of our citizens may be drawn into government service, with the assurance of permanent tenure, and of promotion as a reward for efficient service. Something in this respect has been accomplished by civil-service laws, and by laws throwing special safeguards around the appointment and removal of teachers. We no longer think of changing technical employees of government with each change of administration. There is no more reason for changing such employees of the state with each change brought about by an election than there is of employing your physician primarily because he is a Democrat or a Republican, and discharging him with a change of administration. Upon an efficient body of permanent employees, who may rely upon a career in the public service, depends the efficiency with which the work of government is to be done. No amount of wise policy from the head can get satisfactory results out of an inefficient organization, whose members are always in fear of losing their positions and have no hope of advancement in the future. Government service now attracts some of our ablest citizens, but they must not merely be attracted. They must be encouraged to remain in that service.

Permanent
employees of
government

Tied up with the whole problem of a permanent and efficient body of employees are the questions of the retirement of government employees and of pensions. Certain types of employees who are engaged in hazard-

Pensioning of
government
employees

ous employments, such as firemen and policemen, must almost of necessity have some provision made for them when they are injured or incapacitated, or for their families if they are killed in the discharge of their duties. This need, however, is not merely one with respect to policemen and firemen, but also with respect to all types of governmental employees. Some plan for the retirement of faithful employees upon a pension has been adopted in a great number of countries of the world. We have in Illinois a number of laws with reference to the pensioning of different types of state and local employees. One difficulty with pension legislation in this state has been that adequate provision has not always been made for the raising of money with which to pay pensions when they fall due. Valuable reports upon this whole matter were made by state commissions in 1916 and 1919. The organization of a satisfactory means for the retirement and pensioning of employees is one of the important problems in connection with the employment policy of government. The problem of government employees is not a small one, for counting the Board of Education and the Public Library, the city of Chicago alone had more than 31,000 people upon its permanent pay-roll in 1920, and the state about 10,000 officers and employees.

Americanization

Illinois has been largely settled from foreign countries, and probably 400,000 of its inhabitants are not American citizens. A great task presents itself to the people of Illinois of assimilating this foreign population, and of making it truly American. Fair and just treatment of the alien is one of the best means of accomplishing this result. The state of Illinois created an immigrant's commission in 1919, one of whose purposes was "keeping

in friendly and sympathetic touch with alien groups." But the state has now largely abandoned this task. Naturalization of an alien is the symbol of his Americanization. No foreigner is permitted to become naturalized unless he is able to speak the English language, but adequate provision is not made by which adult foreigners may learn English. The schools are our chief instruments of Americanization, for through them the children become American. Since 1919, instruction in the elementary branches in the schools is required to be in English. In a broad sense, no illiterate person can be a true citizen. In 1920, 3 out of every 100 persons over the age of ten years in Illinois were illiterate.

Agriculture is, and must remain one of the great industries of Illinois. In the earlier days the work of farming was carried on by people who owned the land. The present tendency in this state, and particularly through the rich, farming territory of middle Illinois, has been for the owners to leave the farms. The proportion of renters has steadily increased. No state can continue to be prosperous if its land is cultivated by tenants who do not have a sufficient permanent interest in the land to keep it fertile, and no people can be satisfied if they are condemned always to be tenants.

One of the problems to be solved by the people of Illinois is that which comes as a result of political distrust between Chicago and Cook County on the one hand and the remainder of the state on the other. Under the Constitution of the United States, a state may with its own consent be divided. Chicago would be less than it is, if separated from the remainder of the state, and the state would be seriously crippled

Land tenancy

Chicago—Cook
County and
"down state"

by the loss of its greatest city. Illinois must be prepared to meet its high destiny, not as two states but as one; and to make, as a single state, the next hundred years as important as has been the century just ended. It is always politically unfortunate to have one great city and county containing close to one-half of the population of the state. If there are a number of larger cities in the state, political distrust is not likely to develop with respect to any of them. Other industrial communities, such as East St. Louis, Rockford, Rock Island, Moline, Springfield, Danville, and Peoria are growing rapidly. These and other communities are likely to develop in the future in such a manner as to give a better political balance to the state's population. There is little actual basis for the political opposition that has arisen during the past few years as between Chicago and "down state." Political differences between these two great portions of the state can, and must be, solved by wise leadership, if the state is not to be handicapped in its development. It is not fair to the remainder of the state that it should at any time be governed by the people of the largest community of the state. Neither is it fair to the people of that largest community that they should be governed by the remainder of the state. Some wise and equitable adjustment must be made to the satisfaction of the whole state

Waterways

The attempts of the state to construct railroads resulted in failure, and the constitutions of 1848 and 1870 have forbidden state enterprises of this sort. The state government is, however, now authorized, through a constitutional amendment of 1908, to build a deep waterway, connecting Chicago with the Mississippi River.

This enterprise is to be financed by means of a bond issue of \$20,000,000. It now seems that, in the near future, Chicago may be connected for profitable shipping with the Gulf of Mexico on the south through the Mississippi River, and with the Atlantic Ocean on the east through the Great Lakes and the St. Lawrence River.

Until recent years, Illinois had been backward in its program for the construction of roads. A long step toward better conditions was taken by the passage of an effective road law in 1913. The General Assembly in 1917 passed legislation for an elaborate system of hard roads, connecting all parts of the state; and a popular vote in 1918 authorized the issuance of \$60,000,000 in bonds for the construction of this system. Work has for several years been under way, and Illinois will soon take a high place among the states with effective road systems. Good-roads
program

The present tax system of Illinois is that of one hundred years ago. New conditions have developed and new types of property have been created. These changes the present plan of taxation does not take into account, and the result is a failure to apportion equitably the cost of government. With the widened scope of governmental activities, both state and local governments have come to need additional revenue. This increase in the activities and expenses of government will almost certainly continue. For these reasons the unequal distribution of the burdens of taxation becomes increasingly serious. If waste in such expenses is not to occur, and if government is to serve its best ends, the methods of raising revenue must be bettered, and this revenue must be expended honestly and wisely. The progress of Tax system

Illinois will be hampered until a more satisfactory tax system is established.

Simplification of
government

Forms of government are not in themselves important except as they aid in the accomplishment of results. They are not stationary but must adjust themselves to the growing needs of the people. In spite of improvements that have been made, government in Illinois is still complex and badly organized. This is true both of the state and of its local areas. In the state government the courts are without effective organization, and simplification is needed in the other departments. There are overlapping local areas throughout the whole state, and areas that are too small for the effective conduct of their work. This is particularly true in the local organization of the school system. Improved public action can come only through such a simplification of governmental organization that the citizen can intelligently perform his duty. Such a simplification will bring a shorter ballot and a consolidation of many areas of local government.

Methods of
change

Governmental institutions change slowly. The methods of change are various. Some of the needed changes in government can be brought about by legislative action. Others can be accomplished only by constitutional revision or amendment. Still others may require neither legislation nor constitutional change, but an alteration in governmental practices and in the sentiment of the people. Governments are human institutions, and neither laws nor constitutions primarily determine how they shall operate. Human beings as voters and officers determine how government shall act. Constitutional or statutory provisions in conflict with these human elements can have little effect. For

example, civil-service laws may accomplish something toward bettering the conditions of the public service, but their influence is limited if the people are satisfied with the spoils system. Though constitutions and laws are not the only forces determining the operation of government, yet they are essential and important factors. Institutions established by legislation may be readily and promptly changed to meet new conditions. This is not true of our state constitution, and the provisions of a constitution should not be subject to easy change. But Illinois is today handicapped by the fact that her constitution has been relatively unchanged for more than fifty years and is substantially unchangeable. Many of its provisions, proper fifty years ago, have long ceased to apply. A less difficult process of constitutional amendment is essential as a means of progress toward the effective solution of many problems now facing the people of Illinois

The state of Illinois, situated as it is, looks forward to a great future. Who of the citizens of Illinois in 1818 could have foreseen a state of more than 6,000,000 people with a city approaching 3,000,000 inhabitants? It is impossible to see clearly into the future and to know what destiny awaits this state. But it is possible to prepare for the highest destiny, and then to rely upon each generation of Illinois citizens to make the hopes of one generation the realizations of the next. The government of today is an important instrument for the achievement of present ideals, and it must be made worthy of the realizations of tomorrow.

High destiny of
Illinois

STUDY QUESTIONS

1. Study the application of the state civil-service law, getting from the secretary of state the most recent report of the State Civil Service Commission. Are any civil-service laws applicable in your community? How are the positions of teachers safeguarded in your community?
2. Study the pension systems for public employees in the state and in your community. For this purpose, get from the secretary of state the reports made in 1916 and 1919 by the Illinois Pension Laws Commission.
3. How many farms in your county are cultivated by tenants? Get the United States census reports for 1920, and a study on *Land Tenure in the United States, with Special Reference to Illinois*, by Charles L. Stewart ("University of Illinois Studies in the Social Sciences," Vol. V, No. 3)
4. Get a copy of the state road map from the superintendent of highways, Springfield.

APPENDIX I

DECLARATION OF INDEPENDENCE

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED
STATES OF AMERICA, IN CONGRESS, JULY 4, 1776

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires, that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that, whenever any form of government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpation, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient suffering of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the

present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained, and, when so suspended, he has utterly neglected to attend to them

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies, at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states, for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands

He had obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat up their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation

For quartering large bodies of armed troops among us

For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us, without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas, to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merci-

less Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions

In every stage of these oppressions we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that as free and independent states they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

APPENDIX II

CONSTITUTION OF THE UNITED STATES—1787

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

§1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

§2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes¹ shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.² The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

¹ See the Sixteenth Amendment.

² Partly superseded by the Fourteenth Amendment.

The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5 The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

§3. 1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years, and each senator shall have one vote.¹

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year, and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.²

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

¹ See the Seventeenth Amendment.

² *Ibid.*

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried the chief justice shall preside and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

§4. 1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

§5. 1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business. but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner, and under such penalties as each House may provide

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress shall, without the consent of the other adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting

§6 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid

out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2 No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, and no person holding any office under the United States shall be a member of either House during his continuance in office.

§7. 1. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States, if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3 Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him,

shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

§8. 1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States,

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes,

4 To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads,

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10 To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations,

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy,

14. To make rules for the government and regulation of the land and naval forces,

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16 To provide for organizing, arming, and disciplining the militia, and for governing such parts of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof

§9 1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.*

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time

8. No title of nobility shall be granted by the United States: and no persons holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present,

* See the Sixteenth Amendment.

emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

§10 1. No State shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal; coin money; emit bills of credit, make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility

2. No State, shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

§1. 1 The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.*

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes

* The following paragraph was in force only from 1788 to 1803.

for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote, a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.¹

3 The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States

4 No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President, neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as Presi-

¹Superseded by the Twelfth Amendment

dent. and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

6 The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

7. Before he enter on the execution of his office, he shall take the following oath of affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

§2. 1. The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States. except in cases of impeachment.

2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur, and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§3. 1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect

to the time of adjournment, he may adjourn them to such time as he shall think proper, he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States

§4 The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

§1 The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office

§2. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls,—to all cases of admiralty and maritime jurisdiction,—to controversies to which the United States shall be a party;—to controversies between two or more States,—between a State and citizens of another State,¹—between citizens of different States,—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizen thereof, and foreign States, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes have been committed; but when not committed

¹ See the Eleventh Amendment

within any State, the trial shall be at such place or places as the Congress may by law have directed.

§3. 1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court

2 The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

ARTICLE IV

§1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

§2 1 The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

§3. 1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

2 The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this

Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State

§4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this

Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same

Done in Convention by the unanimous consent of the States present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names,

Go: WASHINGTON—*Presidi and Deputy from Virginia*

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States pursuant to the fifth article of the original Constitution.

ARTICLE I^{*}

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,

* The first ten amendments were adopted in 1791

shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken from public use without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI¹

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII²

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate,—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; —The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall

¹ Adopted in 1798

² Adopted in 1804.

devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President, a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII¹

§1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

§2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV²

§1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

§2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, repre-

¹ Adopted in 1865.

² Adopted in 1868.

sentatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

§3. No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

§4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations and claims shall be held illegal and void.

§5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV¹

§1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

§2 The Congress shall have power to enforce this article by appropriate legislation

¹ Adopted in 1870

ARTICLE XVI¹

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII²

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies. *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII³

After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures

¹ Passed July, 1909, proclaimed February 25, 1913.

² Passed May, 1912, in lieu of paragraph 1, Section 3, Article I, of the Constitution and so much of paragraph 2, of the same section, as relates to the filling of vacancies, proclaimed May 31, 1913.

³ Submitted by Congress in December, 1917; proclaimed January 29, 1919.

of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the states by Congress

ARTICLE XIX¹

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex

The Congress shall have power by appropriate legislation to enforce the provisions of this article.

¹ Submitted by Congress in June, 1919, ratified in 1920.

APPENDIX III

ORDINANCE OF 1787

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO

Be it ordained by the United States, in Congress assembled, That the said territory, for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates, both of resident and non-resident proprietors in the said territory dying intestate, shall descend to and be distributed among their children and the descendants of a deceased child in equal parts—the descendants of a deceased child or grand-child to take the share of their deceased parent in equal parts among them, and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree, and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share. And there shall, in no case, be a distinction between kindred of the whole and half blood, saving in all cases, to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate, and this law, relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws, as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses. And real estate may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved,

and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose. And personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by congress. he shall reside in the district, and have a freehold estate therein, in 1,000 acres of land, while in the exercise of his office

There shall be appointed, from time to time, by congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked: he shall reside in the district and have a freehold estate therein, in 500 acres of land. while in the exercise of his office, it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings, every six months, to the secretary of congress There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in 500 acres of land, while in the exercise of their offices, and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to congress from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by congress, but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers, all general officers shall be appointed and commissioned by congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly, but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made, shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be 5,000 free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with the time and place, to elect representatives from their counties or townships, to represent them in the general assembly: *Provided*, that for every 500 free male inhabitants there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to 25, after which the number and proportion of representatives shall be regulated by the legislature. *Provided*, that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, 200 acres of land within the same: *Provided, also*, that a freehold in 50 acres of

land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by congress. any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to-wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in 500 acres of land, and return their names to congress, five of whom congress shall appoint and commission to serve as aforesaid, and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to congress, one of whom congress shall appoint and commission for the residue of the term, and every five years, four months at least before the expiration of the time of service of the members of the council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to congress, five of whom congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council and house of representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The governor shall have power to convene,

prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of congress, and all other officers before the governor. As soon as the legislature shall be formed in the district, the council and house, assembled in one room, shall have authority, by joint ballot, to elect a delegate to congress, who shall have a seat in congress, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitution, are erected, to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory, to provide, also, for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to-wit:

ARTICLE I

No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

ARTICLE II

The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual

punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements *bona fide* and without fraud previously formed.

ARTICLE III

Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty they shall never be invaded or disturbed, unless in just and lawful wars authorized by congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV

The said territory and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states, and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new states, as in the original states, within the time agreed upon by the

United States in congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in congress assembled, nor with any regulations congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States, and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost or duty therefor.

ARTICLE V

There shall be formed in the said territory not less than three, nor more than five, states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to-wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio and the Wabash rivers, a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however*, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that, if congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said states shall have 60,000 free inhabitants therein, such state shall be admitted, by its delegates, into the congress of the United

States, on an equal footing with the original states. in all respects whatever; and shall be at liberty to form a permanent constitution and state government: *Provided*, the constitution and government. so to be formed, shall be republican, and in conformity to the principles contained in these articles, and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the state than 60,000.

ARTICLE VI

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the persons claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be and the same are hereby repealed, and declared null and void.

Done by the United States in congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th

APPENDIX IV

CONSTITUTION OF THE STATE OF ILLINOIS

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13, A.D. 1870

Ratified by the People July 2, 1870 in force August 8, 1870;
amended in 1878, 1880, 1884, 1886, 1890, 1904, and 1908

PREAMBLE

We, the people of the State of Illinois—grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois.

ARTICLE I

BOUNDARIES

The boundaries and jurisdiction of the State shall be as follows, to-wit. Beginning at the mouth of the Wabash River, thence up the same, and with the line of Indiana to the northwest corner of said state; thence east with the line of the same state, to the middle of Lake Michigan; thence north along the middle of said lake to north latitude forty-two degrees and thirty minutes, thence west to the middle of the Mississippi River, and thence down along the middle of that river to its confluence with the Ohio River, and thence up the latter river along its northwestern shore to the place of beginning: *Provided*, that this State shall exercise such

jurisdiction upon the Ohio River as she is now entitled to, or such as may hereafter be agreed upon by this State and the state of Kentucky.

ARTICLE II

BILL OF RIGHTS

§1 Inherent and inalienable rights	§12 Imprisonment for debt
§2 Due process of law	§13 Compensation for property taken
§3 Liberty of conscience guaranteed	§14 <i>Ex post facto</i> laws—contracts—irrevocable grants
§4 Freedom of speech—libel	§15 Military subordinate to civil power
§5 Right of trial by jury	§16 Quartering of soldiers
§6 Unreasonable searches and seizures	§17 Right of assembly and petition
§7 Bail allowed—writ of <i>habeas corpus</i>	§18 Elections to be free and equal
§8 Indictment required—grand jury	§19 Protection of the laws
§9 Rights of persons accused of crime	§20 Fundamental principles
§10 Self crimination—acquittal	
§11 Penalties no corruption of blood or forfeiture of estate	

§1. All men are by nature free and independent, and have certain inherent and inalienable right—among these are life, liberty and the pursuit of happiness To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed

§2. No person shall be deprived of life, liberty or property without due process of law

§3 The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed and no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions, but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship

§4 Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty, and in all trials for libel, both civil and criminal, the truth when published with good motives and for justifiable ends, shall be a sufficient defense.

§5 The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of

the peace, by a jury of less than twelve men, may be authorized by law.

§6 The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the person or things to be seized.

§7. All persons shall be bailable, by sufficient sureties, except for capital offenses where the proof is evident or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§8 No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

§9 In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation, and to have a copy thereof, to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

§10. No person shall be compelled in any criminal case to give evidence against himself, or to be twice put in jeopardy for the same offense.

§11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

§12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

§13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

§14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privilege or immunities, shall be passed.

§15. The military shall be in strict subordination to the civil power.

§16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

§17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

§18. All elections shall be free and equal.

§19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation, he ought to obtain by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

§20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III

DISTRIBUTION OF POWERS

The powers of the government of this State are divided into three distinct departments—the Legislative, Executive and Judicial, and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE IV

LEGISLATIVE DEPARTMENT

§ 1	General Assembly	§ 17	Payment of money—statement of expenses
§ 2	Elections—vacancies	§ 18	Ordinary expenses—casual deficits—appropriations limited
§ 3	Who are eligible	§ 19	Extra compensation or allowance
§ 4	Disqualification by crime.	§ 20	Public credit not loaned
§ 5	Oath of office	§ 21	Pay and mileage of members
§ 6	Senatorial apportionment	§ 22	Special legislation prohibited.
§ 7	and 8 Representatives—(Inoperative)	§ 23	Against release from liability
§ 7 and 8	Minority representation	§ 24	Proceedings on impeachment
§ 9	Time of meeting—general rules	§ 25	Fuel, stationery and printing
§ 10	Open sessions—adjournments—Journals—protests	§ 26	State not to be sued
§ 11	Style of laws	§ 27	Lotteries and gift enterprises
§ 12	Origin and passage of bills	§ 28	Terms of office not extended.
§ 13	Reading—printing—title—amendments	§ 29	Protection of miners
§ 14	Privileges of members	§ 30	Concerning roads—public and private
§ 15	Disabilities of members	§ 31	Drainage and ditching
§ 16	Appropriations	§ 32	Homestead and exemption laws
		§ 33	Completion of the State House.

§ 1 The legislative power shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both to be elected by the people

ELECTION

§ 2 An election for members of the General Assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the Governor, or person exercising the powers of Governor, shall issue writs of election to fill such vacancies.

ELIGIBILITY AND OATH

§ 3 No person shall be a senator who shall not have attained the age of 25 years, or a representative who shall not have attained the age of 21 years. No person shall be a senator or representative who shall not be a citizen of the United States and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, Secretary of State, Attorney General, State's attorney, recorder, sheriff, or collector of public revenues, members of either house of Congress, or persons holding any lucrative

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office under the United States or this State, or any foreign government, shall have a seat in the General Assembly: *Provided*, that appointments in the militia, and the offices of notary public and justice of the peace shall not be considered lucrative Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, (except postmasters whose annual compensation does not exceed the sum of \$300 00) hold any office of honor or profit under the authority of this State

§4 No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the General Assembly, or to any office or profit or trust in this State

§5 Members of the General Assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully discharge the duties of Senator (or Representative) according to the best of my ability, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person for any vote or influence I may give or withhold on any bill, resolution or appropriation or for any other official act."

This oath shall be administered by a judge of the Supreme or Circuit court in the hall of the house to which the member is elected, and the Secretary of State shall record and file the oath subscribed by each member Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

APPORTIONMENT—SENATORIAL

§6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years, and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

REPRESENTATIVES

§7. The population of the State, as ascertained by the federal census, shall be divided by the number 153, and the quotient shall be the ratio of representation in the House of Representatives. Every county or district shall be entitled to one representative when its population is three-fifths of the ratio, if any county has less than three-fifths of the ratio, it shall be attached to the adjoining county having the least population, to which no other county has, for the same reason been attached, and the two shall constitute a separate district. Every county or district having a population not less than the ratio and three-fifths, shall be entitled to two representatives, and for each additional number of inhabitants, equal to the ratio, one representative. Counties having over 200,000 inhabitants may be divided into districts, each entitled to not less than three nor more than five representatives.

After the year one thousand eight hundred and eighty, the whole population shall be divided by the number 159, and the quotient shall be the ratio of representation in the House of Representatives for the ensuing ten years, and six additional representatives shall be added for every 500,000 increase of population at each decennial census thereafter, and be apportioned in the same manner as above provided.

§8 When a county or district shall have a fraction of population above what shall entitle it to one representative, or more, according to the provisions of the foregoing section, amounting to one-fifth of the ratio it shall be entitled to one additional representative in the fifth term of each decennial period; when such fraction is two-fifths of the ratio, it shall be entitled to an additional representative in the fourth and fifth terms of said period, when the fraction is three-fifths of the ratio, it shall be entitled to an additional representative in the first, second and third terms, respectively, when a fraction is four-fifths of the ratio, it shall be entitled to an additional representative in the first, second, third and fourth terms, respectively.

NOTE—By the adoption of minority representation sections 7 and 8 of this article, above set forth, cease to be a part of the Constitution. Under section 12 of the schedule and the vote of adoption, the following section relating to minority representation is submitted for said sections:

MINORITY REPRESENTATION

§§7 and 8. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES

§9 The sessions of the General Assembly shall commence at 12 00 o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided in this Constitution. A majority of the members elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election, returns and qualifications of its members; shall choose its own officers, and the Senate shall choose a temporary president to preside when the Lieutenant Governor shall not attend as president, or shall act as Governor. The Secretary of State shall call the House of Representatives to order at the opening of each new assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

§10. The door of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that, in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the Senate, at the request of two members, and in the house, at the request of five members, the yeas and nays shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think injurious to the public or to any individual, and have the reasons of their dissent entered upon the journal.

STYLE OF LAWS AND PASSAGE OF BILLS

§11. The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the General Assembly*"

§12. Bills may originate in either house, but may be altered, amended or rejected by the other, and, on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house

§13. Every bill shall be read at large on three different days, in each house, and the bill and all amendments thereto shall be printed before the vote is taken on its final passage, and every bill, having passed both houses, shall be signed by the speaker thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed, and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the General Assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act), the General Assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

PRIVILEGES AND DISABILITIES

§14. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

§15. No person elected to the General Assembly shall receive any civil appointment within the State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appoint-

ments, and all votes given for any such members for any such office or appointment, shall be void, nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof

PUBLIC MONEYS AND APPROPRIATIONS

§16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government shall contain no provision on any other subject.

§17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the Auditor thereon, and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The Auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

§18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter: *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars, and money thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for

payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same, and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrevocable until such debt be paid. *And, provided, further,* that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

§19 The General Assembly shall never grant or authorize extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void: *Provided,* the General Assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

§20 The State shall never pay, assume or become responsible for the debts or liabilities of, or any manner give, loan or extend its credit to, or in aid of, any public or other corporation, association or individual.

PAY OF MEMBERS

§21. The members of the General Assembly shall receive for their services the sum of five dollars per day, during the first session held under this Constitution, and ten cents for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the Auditor of Public Accounts, and thereafter such compensation as shall be prescribed by law, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, news-

paper and all other incidental expenses and perquisites, but no change shall be made in the compensation of members of the General Assembly during the term for which they may have been elected. The pay and muleage allowed to each member of the General Assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED

§22 The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say, for—

- Granting divorces;
- Changing the names of persons or places;
- Laying out, opening, altering and working roads or highways;
- Vacating roads, town plats, streets, alleys and public grounds;
- Locating or changing county seats;
- Regulating county and township affairs;
- Regulating the practice in courts of justice,
- Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables;
- Providing for changes of venue in civil and criminal cases;
- Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village,
- Providing for the election of members of the board of supervisors in townships, incorporated towns or cities;
- Summoning or impaneling grand or petit juries,
- Providing for the management of common schools;
- Regulating the rate of interest on money;
- The opening and conducting of any election, or designating the place of voting,
- The sale or mortgage of real estate belonging to minors or others under disability;
- Protection of game or fish,
- Chartering or licensing ferries or toll bridges;
- Remitting fines, penalties or forfeitures,
- Creating, increasing or decreasing fees, percentages or allowances of public officers, during the term for which said officers are elected or appointed;

Changing the law of descent;

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose,

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever;

In all other cases where a general law can be made applicable, no special law shall be enacted.

§23 The General Assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any municipal corporation therein.

IMPEACHMENT

§24 The House of Representatives shall have the sole power of impeachment, but a majority of all the members elected must concur therein. All impeachments shall be tried by the Senate; and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor of the State is tried, the Chief Justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless be liable to prosecution, trial, judgment and punishment according to law.

MISCELLANEOUS

§25. The General Assembly shall provide, by law, that the fuel, stationery and printing paper furnished for the use of the State, the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the General Assembly, shall be let by contract to the lowest responsible bidder, but the General Assembly shall fix a maximum price and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the Governor, and if he disapproves

the same, there shall be a reletting of the contract, in such manner as shall be prescribed by law.

§26. The State of Illinois shall never be made defendant in any court of law or equity.

§27. The General Assembly shall have no power to authorize lotteries or gift enterprises, for any purposes, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state.

§28. No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

§29. It shall be the duty of the General Assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, and to provide for the enforcement of said laws by such penalties and punishment as may be deemed proper.

§30. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

§31. The General Assembly may pass laws permitting the owners of lands to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

¹ As modified by the first amendment to the Constitution of 1870. The joint resolution (Laws 1877, p. 218) was adopted by the Senate March 15, 1877, and concurred in by the House March 20, 1877. It was adopted by the vote of the people November 5, 1878, and proclaimed ratified November 29, 1878.

This section, as originally adopted in the Constitution of 1870, read as follows:

"SECTION 31. The General Assembly may pass laws permitting the owners or occupants of land to construct drains and ditches for agriculture and sanitary purposes across the lands of others."

§32. The General Assembly shall pass liberal homestead and exemption laws

§33 The General Assembly shall not appropriate out of the State treasury, or expend on account of the new capitol grounds, and construction, completion and furnishing of the State house, a sum exceeding in the aggregate \$3,500,000 00, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State at a general election, nor unless a majority of all the votes cast at such election shall be for the proposed additional expenditure

§34. The General Assembly shall have power, subject to the conditions and limitations hereinafter contained, to pass any law (local, special or general) providing a scheme or charter of local municipal government for the territory now or hereafter embraced within the limits of the city of Chicago The law or laws so passed may provide for consolidating (in whole or in part) in the municipal government of the city of Chicago, the powers now vested in the city, board of education, township, park and other local governments and authorities having jurisdiction confined to or within said territory, or any part thereof, and for the assumption by the city of Chicago of the debts and liabilities (in whole or in part) of the governments or corporate authorities whose functions within its territory shall be vested in said city of Chicago, and may authorize said city, in the event of its becoming liable for the indebtedness of two or more of the existing municipal corporations lying wholly within said city of Chicago, to become indebted to an amount (including its existing indebtedness and the indebtedness of all municipal corporations lying wholly within the limits of said city, and said city's proportionate share of the indebtedness of said county and sanitary district, which share shall be determined in such manner as the General Assembly shall prescribe) in the aggregate not exceeding 5 per centum of the full

* Added by the sixth amendment to the Constitution of 1870 The joint resolution (Laws 1903, p 358) was adopted by the House and concurred in by the Senate April 22, 1903. It was adopted by the vote of the people November 3, 1904, and proclaimed ratified December 5, 1904.

value of the taxable property within its limits, as ascertained by the last assessment either for State or municipal purposes previous to the incurring of such indebtedness (but no new bonded indebtedness, other than for refunding purposes, shall be incurred until the proposition therefor shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special, and may provide for the assessment of property and the levy and collection of taxes within said city for corporate purposes in accordance with the principles of equality and uniformity prescribed by this Constitution and may abolish all offices, the functions of which shall be otherwise provided for, and may provide for the annexation of territory to or disconnection of territory from said city of Chicago by the consent of a majority of the legal voters (voting on the question at any election, general, municipal or special) of the said city and of a majority of the voters of such territory, voting on the question at any election, general, municipal or special, and in case the General Assembly shall create municipal courts in the city of Chicago it may abolish the offices of justices of the peace, police magistrates and constables in and for the territory within said city, and may limit the jurisdiction of justices of the peace in the territory of said county of Cook outside of said city to that territory, and in such case the jurisdiction and practice of said municipal courts shall be such as the General Assembly shall prescribe; and the General Assembly may pass all laws which it may deem requisite to effectually provide a complete system of local municipal government in and for the city of Chicago

No law based upon this amendment to the Constitution, affecting the municipal government of the city of Chicago, shall take effect until such law shall be consented to by a majority of the legal voters of said city voting on the question at any election, general, municipal or special, and no local or special law based upon this amendment affecting specially any part of the city of Chicago shall take effect until consented to by a majority of the legal voters of such part of said city voting on the question at any election, general, municipal or special. Nothing in this section contained shall be construed to repeal, amend or affect section four (4) of Article XI of the Constitution of this State.

ARTICLE V

EXECUTIVE DEPARTMENT

§ 1 Officers—terms	§14 Governor as Commander-in-Chief
2 State Treasurer	§15 Impeachment of officers
3 Time of electing State officers	§16 Veto power
4 Returns—tie—contested election	§17 Lieutenant Governor
5 Eligibility for office	§18 President of the Senate
6 Governor—powers and duty	§19 Vacancy in Governor's office.
7 His message and statement	§20 Vacancy in other State offices.
8 Convening the General Assembly	§21 Report of the State officers
9 Proroguing the General Assembly	§22 Great Seal of Illinois
§10 Nominations by the Governor	§23 Fees and salaries
§11 Vacancies may be filled	§24 Definition of "office"
§12 Removals by the Governor	§25 Oath of civil officers
§13 Reprieves—commutations—pardons	

§1 The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction and Attorney General, who shall each, with the exception of the Treasurer, hold his office for the term of four years from the second Monday of January next after his election and until his successor is elected and qualified. They shall, except the Lieutenant Governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

§2. The Treasurer shall hold his office for the term of two years, and until his successor is elected and qualified, and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the Governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION

§3. An election for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts and Attorney General shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, for Superintendent of Public Instruction, on the Tuesday next after the first Monday of November in the year one thousand eight hundred and seventy, and every four years thereafter, and for Treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

§4. The returns of every election for the above named offices shall be sealed up and transmitted by the returning officers to the Secretary of State directed to the "Speaker of the House of Representatives," who shall, immediately after the organization of the House and before proceeding to other business, open and publish the same in the presence of a majority of each House of the General Assembly, who shall, for that purpose, assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal, and the highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY

§5 No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of 30 years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Superintendent of Public Instruction, nor Attorney General shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR

§6. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

§7. The Governor shall, at the commencement of each session and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

§8. The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the pur-

pose for which they are convened, and the General Assembly shall enter upon no business except that for which they were called together

§9. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

§10. The Governor shall nominate, and by and with the advice and consent of the Senate (a majority of all the Senators elected concurring by yeas and nays), appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the General Assembly

§11. In case of a vacancy, during the recess of the Senate, in any office which is not elective, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some persons to fill such office, and any person so nominated who is confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the recess of the General Assembly.

§12. The Governor shall have the power to remove any officer whom he may appoint, in case of incompetency, neglect of duty or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

§13. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

§14. The Governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States), and may call out the same to execute laws, suppress insurrection and repel invasion.

§15. The Governor and all civil officers of the State shall be liable to impeachment for any misdemeanor in office.

VETO

§16 Every bill passed by the General Assembly shall, before it becomes a law, be presented to the Governor. If he approves, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor, but in all cases the vote of each house shall be determined by yeas and nays, to be entered *upon* the journal. *Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. And if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law, as to the residue, in like manner as if he signed it. The Governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill.

* As modified by the third amendment to the Constitution of 1870. The joint resolution (L. 1883, p. 186) was adopted by the Senate February 28, 1883, concurred in by the House May 23, 1883, and ratified by the vote of the people November 4, 1884, and proclaimed adopted November 28, 1884.

The amendment is practically the original section with the addition of the paragraphs between the (*—*) and the substitution of the italicized word *upon* for the original word "on."

returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly, it shall become part of said law, notwithstanding the objections of the Governor. *Any bill which shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him shall become a law in like manner as if he had signed it, unless the General Assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the Secretary of State, within ten days after such adjournment, or become a law.

LIEUTENANT GOVERNOR

§17. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

§18. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a president, *pro tempore*, to preside in case of the absence or impeachment of the Lieutenant Governor, or when he shall hold the office of Governor.

§19. If there be no Lieutenant Governor, or if the Lieutenant Governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed, and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives.

OTHER STATE OFFICERS

§20. If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney General, or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor

shall be elected and qualified in such a manner as provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor, under oath, and any officer who makes a false report shall be guilty of perjury, and punished accordingly.

§21. The officers of the executive department, and all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports to the General Assembly together with the reports of the judge of the Supreme Court of defects in the Constitution and laws, and the Governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

THE SEAL OF STATE

§22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the Secretary of State, and used by him, officially, as directed by law.

FEES AND SALARIES

§23. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the Constitution, shall be paid in advance into the State treasury.

DEFINITIONS AND OATH OF OFFICE

§24. An office is a public position created by the Constitution or law, continuing during the pleasure of the appointing power, or for a fixed time with a successor elected or appointed. An employ-

ment is an agency, for a temporary purpose, which ceases when that purpose is accomplished

§25 All civil officers, except members of the General Assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification

ARTICLE VI

JUDICIAL DEPARTMENT

1	Courts established	§18	County judges—county clerks
2	Supreme Court—jurisdiction	§19	Appeals from county courts
3	Qualifications of a Supreme judge	§20	Probate courts authorized
4	Terms of the Supreme Court	§21	Justices of the peace and constables.
5	Grand divisions—districts	§22	State's Attorney in each county
6	Election of Supreme judges	§23	Cook County courts of record.
7	Salaries of the Supreme judges	§24	Chief Justice—power of judges
8	Appeals and writs of error	§25	Salaries of the judges
9	Reporter	§26	Criminal Court of Cook County.
10	Clerks of the Supreme Court	§27	Clerks of Cook County Court
11	Appellate Courts authorized	§28	Justices of Chicago
12	Circuit Courts—jurisdiction	§29	Uniformity in the courts
13	Judicial circuits	§30	Removal of any judge
14	Time of holding circuit courts	§31	Judges to make written reports
15	Judges—increase.	§32	Terms of office—filling vacancies
16	Salaries of the circuit judges	§33	Process—prosecutions—population
17	Qualifications of judges and county commissioners		

§1. The judicial powers, except as in this article is otherwise provided, shall be vested in one Supreme Court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

SUPREME COURT

§2. The Supreme Court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in *mandamus* and *habeas corpus*, and appellate jurisdiction in all other cases. One of said judges shall be Chief Justice, four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

§3. No person shall be eligible to the office of judge of the Supreme Court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected

§4. Terms of the Supreme Court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the Northern division, in the city of Chicago each year, at such times as said court may appoint, whenever said city or the county of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased or diminished in number, and the times and places of holding said court may be changed by law.

§5. The present grand divisions shall be preserved, and be dominated Southern, Central and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and, until otherwise provided by law they shall be as follows:

First District—The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Monroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Alexander, Pulaski and Massac

Second District—The counties of Madison, Bond, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Green, Jersey, Calhoun and Christian

Third District—The counties of Sangamon, Macon, Logan, DeWitt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

Fourth District—The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

Fifth District—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

Sixth District—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle, and Rock Island.

Seventh District—The counties of Lake, Cook, Will, Kankakee and DuPage

The boundaries of the districts may be changed at the session of the General Assembly next preceding the election of judges therein, and at no other time, but whenever such alterations shall be made the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

§6. At the time of voting on the adoption of this Constitution, one judge of the Supreme Court shall be elected by the electors thereof, in each of said districts numbered two, three, six and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the Supreme Court, elected after the adoption of this Constitution, shall be nine years, and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this Constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges in the respective districts wherein the term of such judges shall expire. The Chief Justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number Chief Justice.

§7. From and after the adoption of this Constitution, the judges of the Supreme Court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

§8. Appeals and writs of error may be taken to the Supreme Court held in the grand division in which the case is decided, or by consent of the parties, to any other grand division.

§9. The Supreme Court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

§10. At the time of the election of Representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

APPELLATE COURTS

§11. After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error shall lie to the Supreme Court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuits courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him, nor shall said judges receive any additional compensation for such services.

CIRCUIT COURTS

§12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

§13. The State, exclusive of the county of Cook and other counties having a population of 100,000, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly,

equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every 100,000 of population of the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time. *Provided*, that the circuits may be equalized or changed at the first session of the General Assembly after the adoption of this Constitution. The creation, alteration or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding 50,000, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

§14 The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

§15 The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in section 13 of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

§16. From and after the adoption of this Constitution, judges of the circuit courts shall receive a salary of \$3,000 00 per annum, payable quarterly until otherwise provided by law, and after their salaries shall be fixed by law they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected, and from and after the adoption of this Constitution, no judge of the Supreme or circuit court shall receive any other com-

pensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments

§17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities or incorporated town in which he shall be elected

COUNTY COURTS

§18. There shall be elected in and for each county one county judge and one clerk of the county court, whose term of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlement of their accounts, in all matters relating to apprentices, and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

§19 Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

PROBATE COURTS

§20 The General Assembly may provide for the establishment of a probate court in each county having a population of over 50,000, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probable matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlement of their accounts, in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts

JUSTICES OF THE PEACE AND CONSTABLES

§21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEYS

§22 At the election for members of the General Assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose term of office shall be four years.

COURTS OF COOK COUNTY

§23. The county of Cook shall be one judicial circuit. The circuit court of Cook County shall consist of five judges, until their number shall be increased as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued, and called the "Superior Court of Cook County." The General Assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.

§24. The judge having the shortest unexpired term shall be Chief Justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be Chief Justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

§25. The judges of the superior and circuit courts, and the State's attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said

treasury to the circuit judges and State's attorneys of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law. Such compensation shall not be changed during their continuance in office.

§26. The recorder's court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook county shall be held by one or more of the judges of the circuit or superior court of Cook county, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be *ex-officio* judges of said court.

§27. The present clerk of the recorder's office of the city of Chicago shall be the clerk of the criminal court of Cook county during the term for which he was elected. The present clerks of the superior court of Chicago, and the present clerk of the circuit court of Cook county, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one clerk of the superior court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§28. All justices of the peace in the city of Chicago shall be appointed by the Governor, by and with the advice and consent of the Senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county court), and for such districts as are now or shall hereafter be provided by law. They shall hold their office for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceedings in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

GENERAL PROVISIONS

§29 All judicial officers shall be commissioned by the Governor. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform.

§30. The General Assembly may, for cause entered on the journals upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned shall be removed from office on prosecution and final conviction for misdemeanor in office.

§31 All judges of courts of record, inferior to the Supreme Court, shall, on or before the first day of June of each year, report in writing to the judges of the Supreme Court such defects and omissions in the laws as their experience may suggest, and the judges of the Supreme Court shall, on or before the first day of January of each year, report in writing to the Governor such defects and omissions in the Constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omission in the laws. And the judges of the several circuit courts shall report to the next General Assembly the number of days they have held court in the several counties composing their respective circuits, the preceding two years.

§32 All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers where, not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. Vacancies in such elective offices shall be filled by election, but where the unexpired term does not exceed one year the vacancy shall be filled by appointment, as follows: Of judges, by the Governor, of clerks of courts, by the court to which the office appertains, or by the

judge or judges thereof, and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.

§33. All process shall run: *In the name of the People of the State of Illinois*, and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois*; and conclude: *Against the peace and dignity of the same*. "Population," whenever used in this article, shall be determined by the next preceding census of this State or of the United States.

ARTICLE VII

SUFFRAGE

§1 Qualifications of voters
 §2 All voting to be by ballot
 §3 Privileges of electors
 §4 Voting residence

§5 Soldiers of U S Army.
 §6 Qualifications for office
 §7 Persons convicted of crime.

§1 Every person having resided in this State one year, in the county ninety days and in the election district thirty days next preceding any election therein; who was an elector in this State on the first day of April, in the year of our Lord, one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our Lord, one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of 21 years, shall be entitled to vote at such election.

§2. All votes shall be by ballot.

§3 Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be required to do military duty on the days of election, except in time of war or public danger.

§4 No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

§5 No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

§6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

§7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes

ARTICLE VIII

EDUCATION

§1 Free schools

§2 Gifts or grants in aid of schools

§3 Aid to sectarian schools prohibited.

§4 Sale of text books—teachers and officers.

§5 County superintendent of schools

§1. The General Assembly shall provide a thorough and efficient system of free schools whereby all children of this State may receive a good common school education.

§2. All lands, moneys, or other property donated, granted or received for school, college, seminary or university purposes, and the proceeds thereof shall be faithfully applied to the objects for which such gifts or grants were made.

§3 Neither the General Assembly nor any county, city town, township, school district or other public corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

§4. No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

§5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation and time and manner of election and term of office shall be prescribed by law.

ARTICLE IX

REVENUE

1	Taxation shall be uniform	8	Limitation on county taxes
2	Other and further taxation	9	Local municipal improvements
3	Property exempt from taxation	10	Municipal taxation
4	Sale of real property for taxes	11	Defaulting officers
5	Right of redemption	12	Limitation of municipal indebtedness
6	Release from taxation forbidden	13	World's Columbian Exposition
7	Taxes paid into State treasury		

§1. The General Assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property—such value to be ascertained by some person or persons to be elected or appointed in such manner as the General Assembly shall direct, and not otherwise, but the General Assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor dealers, toll-bridges, ferries, insurance, telegraph and express interests or business, venders of patents and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates

§2 The specification of the objects and subjects of taxation shall not deprive the General Assembly of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

§3. The property of the State, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation, but such exemption shall be only by general law. In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

§4. The General Assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive State and county taxes: and there shall be no sale of said

property for any of said taxes or assessments but by said officer, upon the order of judgment of some court of record.

§5. The right of redemption from all sales of real estate for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof. And the General Assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire. *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.

§6. The General Assembly shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever

§7. All taxes levied for State purposes shall be paid into the State treasury

§8. County authorities shall never assess taxes the aggregate of which shall exceed seventy-five cents per one hundred dollars valuation except for the payment of indebtedness existing at the adoption of this Constitution, unless authorized by a vote of the people of the county.

§9. The General Assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

§10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed

for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

§12. No county, city, township, school district or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness. Any county, city, school district or other municipal corporation incurring any indebtedness as aforesaid, shall before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest of such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this Constitution in pursuance of any law providing therefor.

§13. The corporate authorities of the city of Chicago are hereby authorized to issue interest bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable

¹ Added by the fifth amendment to the Constitution of 1870. The joint resolution (Laws 1890, p. 8) was adopted by the Senate and concurred in by the House July 31, 1890, and ratified by the vote of the people November 4, 1890. At such election a majority of the votes cast within the limits of the city of Chicago were cast in favor of its adoption, and it was proclaimed ratified by the governor November 29, 1890.

within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and disbursed by him under the direction and control of the directors, in aid of the World's Columbian Exposition, to be held in the city of Chicago, in pursuance of an Act of Congress of the United States

Provided, that if at an election for the adoption of this amendment to the constitution a majority of the votes cast within the limits of the city of Chicago shall be against its adoption, then no bonds shall be issued under this amendment.

And said corporate authorities shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid, provided that said authorities may take in whole or in part of the sum coming to them any permanent improvements placed on land held or controlled by them.

And, provided, further, that no such indebtedness so created shall in any part thereof be paid by the State, or from any State revenue, tax or fund, but the same shall be paid by the said city of Chicago alone.

ARTICLE X

COUNTIES

1 New counties.	8 County officers—terms of office.
2 Division of any county	9 Salaries and fees in Cook County.
3 Attaching or detaching territory	10 Salaries fixed by county board.
4 Removal of county seat	11 Township officers' fees.
5 County government	12 Officers' fees
6 Boards of county commissioners.	13 Sworn report of fees
7 County affairs in Cook County	

§1. No new county shall be formed or established by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken to less contents than four hundred square miles, nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

§2. No county shall be divided, or have any part stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

§3. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division, and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for and obliged to pay its proportion of the indebtedness of the county from which it has been taken.

COUNTY SEATS

§4. No county seat shall be removed until the point to which it is proposed to remove shall be fixed in pursuance of law, and three-fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point, and no person shall vote on such question who has not resided in the county six months and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years to a vote of the people. But when an attempt is made to remove a county seat to a point nearer to the center of the county, then a majority vote shall be necessary.

COUNTY GOVERNMENT

§5. The General Assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election shall so determine, and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the General Assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law, and if a majority of all the votes cast upon that question shall be against township organization, then

such organization shall cease in said county, and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

§6 At the first election of county judges under this constitution, there shall be elected in each of the counties in this State not under township organization, three officers, who shall be styled, "The Board of County Commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

§7 The county affairs of Cook County shall be managed by a board of commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago and five from towns outside of said city, in such manner as may be provided by law

COUNTY OFFICERS AND THEIR COMPENSATION

§8 "In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A D 1882. A county judge,

* As modified by the second amendment to the Constitution of 1870. The joint resolution was adopted by the Senate March 4, 1879, and concurred in by the House May 22, 1879. It was adopted by the people November 2, 1880, and proclaimed ratified November 22, 1880.

The section as originally adopted in the Constitution of 1870 read as follows:

"SECTION 8 In each county there shall be elected the following county officers: County judge, sheriff, county clerk, clerk of the circuit court (who may be ex officio recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in the year of our Lord 1872), treasurer, surveyor and coroner, each of whom shall enter upon the duties of his office, respectively, on the first Monday of December after their election; and they shall hold their respective offices for the term of four years, except the treasurer, sheriff and coroner, who shall hold their offices for two years, and until their successors shall be elected and qualified."

county clerk, sheriff and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A.D. 1884, a coroner and clerk of the circuit court (who may be *ex officio* recorder of deeds, except in counties having 60,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected

§9. The clerks of all courts of record, the treasurer, sheriff, coroner and recorder of deeds of Cook County, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the circuit court of said county and shall be paid respectively only out of the fees of the office actually collected. All fees, perquisites and emoluments (above the amount of said salaries) shall be paid into the county treasurer. The number of the deputies and assistants of such officers shall be determined by rule of the circuit court, to be entered of record, and their compensation shall be determined by the county board

§10. The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected; they shall not allow either of them more per annum than fifteen hundred dollars, in counties not exceeding twenty thousand inhabitants; two thousand dollars, in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars, in counties containing thirty thousand and not exceeding fifty thousand inhabitants, three thousand dollars, in counties containing fifty thousand and not exceeding seventy thousand inhabitants, thirty-five hundred dollars, in counties containing seventy thousand and not

exceeding one hundred thousand inhabitants, and four thousand dollars, in counties containing over one hundred thousand, and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants: *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury

§11. The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this Constitution, and such officers shall receive only such fees as are provided by general law.

§12 All laws fixing the fees of State, county and township officers shall terminate with the term respectively of those who may be in office at the meeting of the first General Assembly after the adoption of this Constitution, and the General Assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the General Assembly may, by general law, classify the counties by population into not more than three classes and regulate the fees according to class. This article shall not be construed as depriving the General Assembly of the power to reduce the fees of existing officers

§13 Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

ARTICLE XI

CORPORATIONS

§1.	Organization of corporations	§10	Personal property of railroads
2	Existing charters	11	Consolidations
3	Election of directors or managers	12	Railroads deemed highways—rates fixed.
4	Construction of street railroads	13	Stocks, bonds and dividends
5	State bank forbidden—general law	14	Power over existing companies
6	Liability of bank stockholder	15	Freight and passenger tariffs regulated
7	Suspension of special payment		
8	Of a general banking law		
9	Railroad—transfer officers—reports		

§1. No corporation shall be created by special laws, or its charter extended, changed or amended, except those for charitable, education, penal or reformatory purposes, which are to be and remain under the patronage and control of the state, but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created

§2. All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

§3. The General Assembly shall provide, by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit and such directors or managers shall not be elected in any other manner.

§4. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

BANKS

§5. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint

stock company or association for banking purposes now created, or to be hereafter created No Act of the General Assembly authorizing or creating corporations or associations with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same. and be approved by a majority of all the votes cast at such election for or against such law.

§6. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remain such stockholders.

§7. The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to, under oath, by one or more of its officers) as may be provided by law.

§8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit designed to circulate as money, and require security, to the full amount thereof, to be deposited with the State Treasurer, in United States or Illinois State stocks, to be rated at 10 per cent below their par value and in case of a depreciation of said stocks to the amount of ten per cent below par, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stocks held by each, the time of any transfer thereof, and to whom such transfer is made.

RAILROAD

§9 Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State, for the transaction

of its business, where transfers of stock shall be made, and in which shall be kept for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock, and the amounts owned by them respectively, the amount of stock paid in, and by whom; the transfers of said stock, the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the Auditor of Public Accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. And the General Assembly shall pass laws enforcing by suitable penalties the provisions of this section.

§10. The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

§11. No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least 60 days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

§12. Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the General Assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

§13. No railroad corporation shall issue any stock or bonds, except for money, labor or property actually received and applied to the purposes for which such corporation was created; and all

stock dividends, and other fictitious increase of capital stock or indebtedness of any such corporations, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days public notice, in such manner as may be provided by law.

§14. The exercise of power and the right of eminent domain shall never be so construed or abridged as to prevent the taking by the General Assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

§15. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises

ARTICLE XII

MILITIA

§1 Persons liable to duty	§4. Privileged from arrest.
§2 Organization—equipment—discipline.	§5 Records, etc., preservation.
§3 Officers	§6 Exemption from duty

§1. The militia of the State of Illinois shall consist of all able-bodied male persons, resident in the State, between the ages of 18 and 45, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State

§2 The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

§3 All militia officers shall be commissioned by the Governor, and may hold their commissions for such time as the General Assembly may provide.

§4 The militia shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attend

ance at musters and elections, and in going to and returning from the same.

§5. The military records, banners and relics of the State shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the General Assembly to provide by law for the safekeeping of the same.

§6 No persons having conscientious scruples against bearing arms shall be compelled to do militia duty in the time of peace. *Provided*, such person shall pay an equivalent for such exemption.

ARTICLE XIII

WAREHOUSES

§1 Public warehouses	§5 Delivery of grain by railroads
§2 Weekly statements required.	§6 Warehouse receipts
§3 Examination of property stored	§7 Grain inspection
§4 Delivery of full weights	

§1 All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

§2. The owner, lessee or manager of each and every public warehouse situated in any town or city of not less than 100,000 inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination in such places as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots shall not be mixed with inferior or superior grades without the consent of the owner or consignee thereof.

§3. The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse, in regard to such property.

§4. All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

§5 All railroad companies receiving and transporting grain in bulk or otherwise, shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased or used, or which can be used, by such railroad companies, and all railroad companies shall permit connections to be made with their track, so that any consignee and any public warehouse, coal bank or coal yard may be reached by the cars on said railroad.

§6 It shall be the duty of the General Assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the Constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the General Assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

§7. The General Assembly shall pass laws for the inspection of grain, for the protection of producers, shippers and receivers of grain and produce.

ARTICLE XIV

AMENDMENTS TO THE CONSTITUTION

§1 By a convention

§2 Proposed by the Legislature.

§1. Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter or amend the Constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall, at the

next session, provide for a convention, to consist of double the number of members of the Senate, to be elected in the same manner, at the same places and in the same districts. The General Assembly shall, in the Act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding, the members shall take an oath to support the Constitution of the United States and the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election and prepare such revision, alteration or amendments of the Constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two or more than six months after the adjournment thereof, and unless so submitted, and approved by a majority of the electors voting at the election, no such revision, alteration or amendments shall take effect.

§2 Amendments to this Constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments together with the ayes and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this Constitution. But the General Assembly shall have no power to propose amendments to more than one article of this Constitution at the same session nor to the same article oftener than once in four years.

SECTIONS SEPARATELY SUBMITTED*

Illinois Central Railroad
Municipal subscriptions to corporations

Illinois and Michigan Canal.

ILLINOIS CENTRAL RAILROAD

No contract, obligation or liability whatever, of the Illinois Central Railroad Company to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted or in any manner diminished or impaired by legislative or other authority, and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

MINORITY REPRESENTATION

[See Sections 7 and 8, Article IV, pages 412 and 413]

MUNICIPAL SUBSCRIPTIONS TO RAILROADS OR PRIVATE CORPORATIONS

No county, city, town, township or other municipality shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation. *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized under existing laws, by a vote of the people of such municipality prior to such adoption.

CANAL

The Illinois and Michigan canal, or other canal or waterway owned by the State shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State at a general election, and have been approved by a majority of all the votes polled at

* These sections were separately submitted to the vote of the people; they went into effect as law July 2, 1870.

such election. The General Assembly shall never loan the credit of the State or make appropriations from the treasury thereof, in aid of railroads or canals;

Provided, that any surplus earnings of any canal, waterway or water power, may be appropriated or pledged for its enlargement, maintenance or extensions, and

Provided, further, that the General Assembly may, by suitable legislation, provide for the construction of a deep waterway or canal from the present water power plant of the Sanitary District of Chicago, at or near Lockport, in the township of Lockport, in the county of Will, to a point in the Illinois River at or near Utica, which may be practical for a general plan and scheme of deep waterway along a route, which may be deemed most advantageous for such a plan of deep waterway; and for the erection, equipment and maintenance of power plants, locks, bridges, dams and appliances sufficient and suitable for the development and utilization of the water power thereof; and authorize the issue, from time to time, of bonds of this State in a total amount not to exceed twenty million dollars, which shall draw interest, payable semi-annually, at a rate not to exceed four per cent per annum, the proceeds whereof may be applied as the General Assembly may provide, in the construction of said waterway and in the erection, equipment and maintenance of said power plants, locks, bridges, dams and appliances.

All power developed from said waterway may be leased in part or in whole, as the General Assembly may by law provide; but in the event of any lease being so executed, the rental specified therein for water power shall be subject to a revaluation each ten years of the term created, and the income therefrom shall be paid into the treasury of the State.

(This section as amended was proposed by the General Assembly in 1907, ratified by a vote of the people November 3, 1908, proclaimed adopted by the Governor November 24, 1908.)

CONVICT LABOR

Hereafter it shall be unlawful for the commissioners of any penitentiary or other reformatory institution in the State of Illinois, to let by contract to any person or persons, or corporations,

the labor of any convict confined within said institution (This section was submitted to the voters at the election in November, 1886, as an amendment, was adopted, and became a part of this Constitution)

SCHEDULE

§1 Laws in force remain valid	§4 County courts
§2 Fines, penalties and forfeitures	§5 All existing courts continued.
§3 Recognizances, bonds, obligations	§6 Persons now in office continued

That no inconveniences may arise from the alterations and amendments made to the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared·

§1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts of the State, individuals or bodies corporate, shall continue to be as valid as if this Constitution had not been adopted.

§2. That all fines, taxes, penalties and forfeitures, due and owing to the State of Illinois under the present Constitution and laws, shall mure to the use of the people of the State of Illinois, under this Constitution

§3. Recognizances, bonds, obligations and other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Illinois, to any State or county officer, or public body, shall remain binding and valid; and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the Constitution of this State.

§4. County courts for the transaction of county business in counties not having adopted township organization shall continue in existence, and exercise their present jurisdiction until the board of county commissioners provided in this Constitution is organized in pursuance of an Act of the General Assembly; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by law.

§5. All existing courts which are not in this Constitution specifically enumerated shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

§6. All persons now filling any office or appointment shall continue in the exercise of the duties thereof according to their

respective commissions or appointments, unless by this Constitution it is otherwise directed

[Sections 7 to 17, both inclusive, providing for the submission of this Constitution and voting thereon by the people, became inoperative by the adoption of this Constitution]

§7. On the day this Constitution is submitted to the people for ratification an election shall be held for judges of the Supreme Court in the second, third, sixth and seventh judicial election districts, designated in this Constitution, and for the election of three judges of the Circuit Court in the County of Cook, as provided for in the article of this Constitution relating to the judiciary, at which election every person entitled to vote according to the terms of this Constitution shall be allowed to vote and the election shall be otherwise conducted, return made and certificates issued in accordance with existing laws except that no registry shall be required at said election *Provided*, that at said election in the County of Cook no elector shall vote for more than two candidates for circuit judge If upon canvassing the votes for and against the adoption of this Constitution it shall appear that there has been polled a greater number of votes against than for it then no certificates of election shall be issued for any of said supreme or circuit judges

§8 This Constitution shall be submitted to the people of the State of Illinois for adoption or rejection at an election to be held on the first Saturday in July in the year of our Lord one thousand eight hundred and seventy and there shall be separately submitted at the same time for adoption or rejection sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen relating to railroads, in the article entitled "Corporations," the article entitled "Counties," the article entitled "Warehouses," the question of requiring a three-fifths vote to remove a county seat, the section relating to the Illinois Central Railroad, the section in relation to the minority representation, the section relating to municipal subscriptions to railroads or private corporations and the section relating to the canal. Every person entitled to vote under the provisions of this Constitution, as defined in the article in relation to suffrage, shall be entitled to vote for the adoption or rejection of this Constitution, and for or against the articles, sections and questions afore-

said, separately submitted, and the said qualified electors shall vote at the usual places of voting unless otherwise provided, and the said election shall be conducted, and returns thereof made according to the laws now in force regulating general elections, except that no registry shall be required at said election. *Provided, however,* that the polls shall be kept open for the reception of ballots until sunset of said day of election.

§9 The Secretary of State shall, at least twenty days before said election, cause to be delivered to the county clerk of each county, blank poll books, tally sheets and forms of return, and twice the number of properly prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the Secretary of State is, by law, required to be audited and paid, and the several county clerks shall at least five days before said election, cause to be distributed to the board of election, in each election district in their respective counties, said blank poll books, tally lists, forms of return and tickets.

§10. At the said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET

For all the propositions on this ticket which are not cancelled with ink or pencil, and against all propositions which are so cancelled.

For the new Constitution.

For the sections relating to railroads in the article entitled "Corporations."

For the article entitled "Counties "

For the article entitled "Warehouses."

For a three-fifths vote to remove county seats.

For the section relating to the Illinois Central railroad.

For the section relating to minority representation.

For the section relating to municipal subscriptions to railroads or private corporations

For the section relating to the canal.

Each of said tickets shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against

each proposition so cancelled, and returns thereof shall be made accordingly by the judges of election.

§11. The returns of the whole vote cast, and of the votes for the adoption or rejection of this Constitution, and for or against the articles and sections respectively submitted, shall be made by the several county clerks, as is now provided by law, to the Secretary of State, within twenty days after the election, and the returns of said votes shall, within five days thereafter, be examined and canvassed by the Auditor, Treasurer and Secretary of State or any two of them, in the presence of the Governor, and proclamation shall be made by the Governor forthwith of the result of the canvass

§12. If it shall appear that a majority of the votes polled are "for the new Constitution," then so much of this Constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois on and after Monday, the eighth day of August, in the year of our Lord one thousand eight hundred and seventy, but if it shall appear that a majority of the votes polled were "against the new constitution" then so much thereof as was not separately submitted to be voted on by articles and sections, shall be null and void

If it shall appear that a majority of the votes polled are "for the sections relating to railroads in the article entitled 'Corporations'," sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads in the said article shall be a part of the constitution of this State, but if a majority of said votes are against said sections, they shall be null and void. If a majority of the votes polled are "for the article entitled 'Counties'," such article shall be part of the Constitution of this State, and shall be substituted for article seven, in the present Constitution, entitled "Counties;" but if a majority of said votes are against such article the same shall be null and void. If a majority of the votes polled are "for the article entitled 'Warehouses'," such article shall be part of the constitution of this State; but if a majority of the votes are against said article, the same shall be null and void. If a majority of the votes polled are for either of the sections separately submitted, relating respectively to the "Illinois Central railroad," "minority representation," "municipal subscriptions to railroads

or private corporations," and the "canal," then such of said sections as shall receive such majority shall be a part of the constitution of this State, but each of said sections so separately submitted against which respectively there shall be a majority of the votes polled, shall be null and void. *Provided*, that the section relating to "minority representation" shall not be declared adopted unless the portion of the Constitution not separately submitted to be voted on by articles and sections shall be adopted; and in case said section relating to "minority representation" shall become a portion of the Constitution, it shall be substituted for sections seven and eight of the legislative article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove a county seat, then the words "a majority" shall be stricken out of section four of the article on "Counties," and the words "three-fifths" shall be inserted in lieu thereof, and the following words shall be added to said section, to-wit. "But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary." If the foregoing proposition shall not receive a majority of the votes as aforesaid, then the same shall have no effect whatever.

§13. Immediately after the adoption of this Constitution, the Governor and Secretary of State shall proceed to ascertain and fix the apportionment of the State for members of the first House of Representatives under this Constitution. The apportionment shall be based upon the federal census of the year of our Lord one thousand eight hundred and seventy, of the State of Illinois, and shall be made strictly in accordance with the rules and principles announced in the article on the legislative department of this Constitution: *Provided*, that in case the federal census aforesaid can not be ascertained prior to Friday, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy, then the said apportionment shall be based on the State census of the year of our Lord one thousand eight hundred and sixty-five, in accordance with the rules and principles aforesaid. The Governor shall, on or before Wednesday, the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and seventy, make official announcement of said apportionment, under the great seal of the State;

and 100 copies thereof, duly certified, shall be forthwith transmitted by the Secretary of State to each county clerk for distribution

§14. The districts shall be regularly numbered by the Secretary of State, commencing with Alexander County as number one, and proceeding then northwardly through the State, and terminating with the county of Cook, but no county shall be numbered as more than one district, except in the county of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, the members of the first House of Representatives under this Constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified

§15. The Senate, at its first session under this Constitution, shall consist of fifty members, to be chosen as follows. At the general election held on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy, two Senators shall be elected in districts where the term of Senators expires on the first Monday of January, in the year of our Lord one thousand eight hundred and seventy-one, or where there shall be a vacancy, and in the remaining districts one Senator shall be elected. Senators so elected shall hold their office two years

§16. The General Assembly, at its first session held after the adoption of this Constitution, shall proceed to apportion the State for members of the Senate and House of Representatives, in accordance with the provisions of the article on the legislative department.

§17. When this Constitution shall be ratified by the people, the Governor shall forthwith, after having ascertained the fact, issue writs of election of the sheriffs of the several counties of the State, or in case of vacancies, to the coroners, for the election of all the officers the time of whose election is fitted by this Constitution or schedule, and it shall be the duty of said sheriffs or coroners to give such notice of the time and place of said election as is now prescribed by law.

§18. All laws of the State of Illinois and all official writings and the executive, legislative and judicial proceedings, shall be conducted, preserved and published in no other than the English language.

§19. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

§20. The circuit clerks of the different counties having a population over 60,000, shall continue to be recorders (*ex-officio*) for their respective counties, under this Constitution, until the expiration of their respective terms

§21. The judges of all courts of record in Cook County shall, in lieu of any salary provided for in this Constitution, receive the compensation provided by law until the adjournment of the first session of the General Assembly after the adoption of this Constitution.

§22. The present judge of the circuit court of Cook County shall continue to hold the circuit court of Lake County until otherwise provided by law.

§23. When this Constitution shall be adopted and take effect as the supreme law of the State of Illinois, the two mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property, in addition to all other taxes, as set forth in article fifteen of the now existing Constitution, shall cease to be assessed after the year of our Lord one thousand eight hundred and seventy.

§24. Nothing contained in this Constitution shall be so construed as to deprive the General Assembly of power to authorize the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city have voted and to which they shall have given, by such vote, their assent, prior to the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixty-nine: *Provided*, that no such indebtedness so created shall, in any part thereof, be paid by the State or from any State revenue tax or fund, but the same shall be paid, if at all, by the city of Quincy alone, and by taxes to be levied upon the taxable property thereof: *And, provided, further*, that the General Assembly shall have no power in the premises that it could not exercise under the present Constitution of the State.

§25 In case this Constitution, and the articles and sections submitted separately be adopted, the existing Constitution shall cease in all its provisions; and in case this Constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing Constitution, if any, on the same subject shall remain in force

§26. The provisions of this Constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately

APPENDIX V

ILLINOIS COUNTIES

LIST OF ILLINOIS COUNTIES WITH AREAS, POPULATION IN 1920,
AND TYPE OF COUNTY GOVERNMENT

County	Area Square Miles	Population in 1920	Form of County Organization
Adams	842	62,188	Township organization
Alexander	226	23,980	County commissioners
Bond	388	16,045	Township organization
Boone	293	15,322	Township organization
Brown	297	9,336	Township organization
Bureau	881	42,648	Township organization
Calhoun	256	8,245	County commissioners
Carroll	453	19,345	Township organization
Cass	371	17,896	County commissioners
Champaign	1,043	56,959	Township organization
Christian	700	38,458	Township organization
Clark	493	21,165	Township organization
Clay	462	17,684	Township organization
Clinton	483	22,947	Township organization
Coles	525	35,108	Township organization
Cook	933	3,053,017	Special Board of County Commissioners
Crawford	453	22,771	Township organization
Cumberland	353	12,858	Township organization
DeKalb	638	31,339	Township organization
DeWitt	415	19,252	Township organization
Douglas	417	19,604	Township organization
DuPage	345	42,120	Township organization
Edgar	621	25,769	Township organization
Edwards	238	9,431	County commissioners
Effingham	511	19,556	Township organization
Fayette	729	26,187	Township organization
Ford	500	16,466	Township organization
Franklin	445	57,293	Township organization
Fulton	884	48,163	Township organization
Gallatin	338	12,856	Township organization
Greene	515	22,883	Township organization
Grundy	433	18,580	Township organization
Hamilton	455	15,920	Township organization
Hancock	780	28,523	Township organization
Hardin	185	7,533	County commissioners
Henderson	376	9,770	Township organization
Henry	824	45,162	Township organization
Iroquois	1,121	34,841	Township organization

APPENDIX V—*Continued*

County	Area Square Miles	Population in 1920	Form of County Organization
Jackson	588	37,091	Township organization
Jasper . .	508	16,064	Township organization
Jefferson	603	28,480	Township organization
Jersey	367	12,682	Township organization
Jo Daviess	623	21,917	Township organization
Johnson .	348	12,022	County commissioners
Kane . . .	527	99,499	Township organization
Kankakee	668	44,940	Township organization
Kendall . .	324	10,074	Township organization
Knox	711	46,727	Township organization
Lake	455	74,285	Township organization
La Salle . .	1,146	92,925	Township organization
Lawrence . .	358	21,380	Township organization
Lee	742	28,004	Township organization
Livingston .	1,043	39,070	Township organization
Logan	617	29,562	Township organization
McDonough	588	27,074	Township organization
McHenry . .	620	33,164	Township organization
McLean . . .	1,191	70,107	Township organization
Macon . . .	585	65,175	Township organization
Macoupin . .	860	57,274	Township organization
Madison . .	737	106,895	Township organization
Marion	569	37,497	Township organization
Marshall . .	396	14,760	Township organization
Mason	555	16,634	Township organization
Massac. . . .	240	13,559	County commissioners
Menard	317	11,604	County commissioners
Mercer	540	18,800	Township organization
Monroe.	389	12,839	County commissioners
Montgomery	689	41,403	Township organization
Morgan.	576	33,567	County commissioners
Moultrie	338	14,839	Township organization
Ogle	756	26,830	Township organization
Peoria.	636	111,710	Township organization
Perry.	451	22,901	County commissioners
Piatt.	451	15,714	Township organization
Pike	786	26,866	Township organization
Pope.	385	9,625	County commissioners
Pulaski.	190	14,629	County commissioners
Putnam	173	7,579	Township organization
Randolph. . . .	587	29,109	County commissioners
Richland . . .	357	14,044	Township organization
Rock Island	424	92,297	Township organization
St. Clair	663	136,520	Township organization

APPENDIX V—*Continued*

County	Area Square Miles	Population in 1920	Form of County Organization
Saline	399	38,353	Township organization
Sangamon	876	100,262	Township organization
Schuyler .	432	13,285	Township organization
Scott . .	249	9,489	County commissioners
Shelby . .	772	29,601	Township organization
Stark	290	9,693	Township organization
Stephenson .	559	37,743	Township organization
Tazewell	647	38,540	Township organization
Union . . .	403	20,249	County commissioners
Vermilion	921	86,162	Township organization
Wabash .	220	14,034	County commissioners
Warren .	546	21,488	Township organization
Washington	561	18,035	Township organization
Wayne . .	733	22,772	Township organization
White . .	507	20,081	Township organization
Whiteside	679	36,174	Township organization
Will	844	92,911	Township organization
Williamson	449	61,092	Township organization
Winnebago	529	90,929	Township organization
Woodford	528	19,340	Township organization
Total	56,043	6,485,280	. .

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